



Volume 42 (2012)

Pennsylvania Bulletin
Repository

12-22-2012

December 22, 2012 (Pages 7633-7802)

Pennsylvania Legislative Reference Bureau

Follow this and additional works at: https://digitalcommons.law.villanova.edu/pabulletin_2012

Recommended Citation

Pennsylvania Legislative Reference Bureau, "December 22, 2012 (Pages 7633-7802)" (2012). *Volume 42 (2012)*. 51.

https://digitalcommons.law.villanova.edu/pabulletin_2012/51

This December is brought to you for free and open access by the Pennsylvania Bulletin Repository at Villanova University Charles Widger School of Law Digital Repository. It has been accepted for inclusion in Volume 42 (2012) by an authorized administrator of Villanova University Charles Widger School of Law Digital Repository.

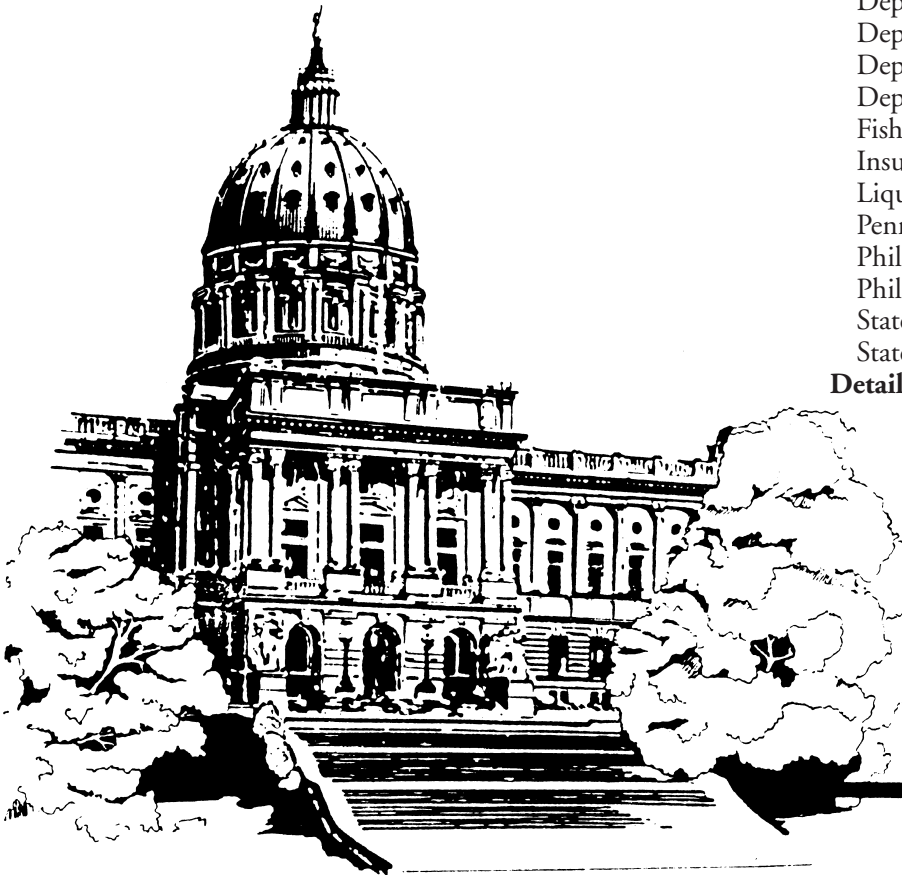
PENNSYLVANIA BULLETIN

Volume 42
Saturday, December 22, 2012 • Harrisburg, PA
Number 51
Pages 7633—7802

Agencies in this issue

The Courts
Bureau of Professional and Occupational Affairs
Department of Banking and Securities
Department of Community and Economic
Development
Department of Education
Department of Environmental Protection
Department of Health
Department of Labor and Industry
Department of Revenue
Department of Transportation
Fish and Boat Commission
Insurance Department
Liquor Control Board
Pennsylvania Public Utility Commission
Philadelphia Parking Authority
Philadelphia Regional Port Authority
State Board of Physical Therapy
State Real Estate Commission

Detailed list of contents appears inside.



**Latest Pennsylvania Code Reporters
(Master Transmittal Sheets):**

No. 457, December 2012

CUT ON DOTTED LINES AND ENCLOSE IN AN ENVELOPE

CHANGE NOTICE/NEW SUBSCRIPTION

If information on mailing label is incorrect, please make changes in space provided below and mail to:

FRY COMMUNICATIONS, INC.

Attn: *Pennsylvania Bulletin*

800 W. Church Rd.

Mechanicsburg, PA 17055-3198

CUSTOMER NUMBER (6 digit number above name)

NAME OF INDIVIDUAL

OFFICE NAME—TITLE

ADDRESS (Number and Street)

(City)

(State)

(Zip Code)

TYPE OR PRINT LEGIBLY

PENNSYLVANIA



BULLETIN

(ISSN 0162-2137)

Postmaster send address changes to:

FRY COMMUNICATIONS

Attn: *Pennsylvania Bulletin*

800 W. Church Rd.

Mechanicsburg, Pennsylvania 17055-3198

(717) 766-0211 ext. 2340

(800) 334-1429 ext. 2340 (toll free, out-of-State)

(800) 524-3232 ext. 2340 (toll free, in State)

published weekly by Fry Communications, Inc. for the Commonwealth of Pennsylvania, Legislative Reference Bureau, 641 Main Capitol Building, Harrisburg, Pa. 17120, under the policy supervision and direction of the Joint Committee on Documents pursuant to Part II of Title 45 of the Pennsylvania Consolidated Statutes (relating to publication and effectiveness of Commonwealth Documents). Subscription rate \$82.00 per year, postpaid to points in the United States. Individual copies \$2.50. Checks for subscriptions and individual copies should be made payable to "*Fry Communications, Inc.*" Periodicals postage paid at Harrisburg, Pennsylvania.

Orders for subscriptions and other circulation matters should be sent to:

Fry Communications, Inc.

Attn: *Pennsylvania Bulletin*

800 W. Church Rd.

Mechanicsburg, PA 17055-3198

Copyright © 2012 Commonwealth of Pennsylvania

Editorial preparation, composition, printing and distribution of the *Pennsylvania Bulletin* is effected on behalf of the Commonwealth of Pennsylvania by FRY COMMUNICATIONS, Inc., 800 W. Church Road, Mechanicsburg, Pennsylvania 17055-3198.

CONTENTS

THE COURTS

COMMONWEALTH COURT

Closure of the Philadelphia filing office 7644

LOCAL COURT RULES

Montgomery County

Administrative order clerk of courts fee bill; no. AD 479-2012 7643

Adoption of local rule of civil procedure 230.2—termination of inactive cases 7644

SUPREME COURT

Duty assignment schedule for emergency petitions in the year 2013; no. 392 judicial administration doc. 7644

Sessions of the Supreme Court of Pennsylvania for the year 2014; no. 393 judicial administration doc. 7644

Executive Agencies

BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

Rules and Regulations

Schedule of civil penalties for violations of the Clean Indoor Air Act 7673

DEPARTMENT OF BANKING AND SECURITIES

Notices

Actions on applications 7695

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

Notices

Manufactured housing installation program; approved training curriculum for construction code officials 7695

Manufactured housing installation program; approved training curriculum for installers 7696

DEPARTMENT OF EDUCATION

Notices

Application of Ronald D. Roda for reinstatement of teaching certificates; doc. no. RE 12-03 7696

Hearing regarding request for cyber charter amendment 7696

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices

Applications, actions and special notices 7697

Coal mining reclamation fee amount for 2013 7761

Request for comments on the proposed total maximum daily loads (TMDLs) developed for the Limestone Run Watershed in Northumberland and Montour Counties 7760

DEPARTMENT OF HEALTH

Notices

Applications for exception:

Allegheny General Hospital 7761

American Access Care of South Philadelphia 7761

Canonsburg General Hospital 7762

Children's Surgery Center of Malvern, LLC 7762

The Crozer Keystone Surgery Center at Brinton Lake 7762

East Stroudsburg Ambulatory Surgery Center ... 7763

Einstein Montgomery Surgery Center 7763

Geisinger Medical Center—Danville 7764

Geisinger Wyoming Valley Medical Center 7764

Highlands Hospital 7764

Magee—Womens Hospital of UPMC 7764

Pine Grove Ambulatory Surgical Center, LLC ... 7765

Pinnacle Health at Harrisburg Hospital 7765

St. Joseph Medical Center 7765

28 Pa. Code § 569.35 7763

UPMC Bedford 7766

Warren General Hospital 7766

Williamsport Regional Medical Center 7766

Correction to amendments to charges for medical records 7767

Special Supplemental Nutrition Program for Women, Infants and Children (WIC Program); maximum allowable prices and competitive prices 7767

DEPARTMENT OF LABOR AND INDUSTRY

Rules and Regulations

Uniform Construction Code 7646

Notices

Current Prevailing Wage Act debarments 7775

DEPARTMENT OF REVENUE

Notices

Interest rate notice 7775

Notice of taxable and exempt property 7776

DEPARTMENT OF TRANSPORTATION

Notices

Approved speed-timing devices and appointment of maintenance and calibration stations 7785

Finding 7787

FISH AND BOAT COMMISSION

Rules and Regulations

Boating 7688

Boating; boats carrying passengers for hire 7690

Fishing; special fishing regulations and endangered species 7684

Proposed Rulemaking

Fishing; special fishing regulations 7693

Notices

Temporary changes to fishing regulations; Shenango River, Mercer County and Youghiogheny River, Allegheny, Fayette, Somerset and Westmoreland Counties 7788

INSURANCE DEPARTMENT

Notices

Allianz Life Insurance Company of North America; rate increase filing for several LTC forms 7788

Now Available Online at <http://www.pabulletin.com>

Application for approval to acquire control of Aegis
Security Insurance Company and American Senti-
nel Insurance Company 7789

LIQUOR CONTROL BOARD

Notices

Expiration of leases 7789

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Notices

Petition of the North American Numbering Plan
Administrator on behalf of the Pennsylvania tele-
communications industry for approval of number-
ing plan area relief planning for the 570 number-
ing plan area 7789
Railroad 7792
Service of notice of motor carrier applications 7792
Smart meter procurement and installation 7793
Telecommunications 7801

PHILADELPHIA PARKING AUTHORITY

Notices

Motor carrier medallion transfer application for
service in the city of Philadelphia 7801
Out of service notification; doc. no. O-12-11-03 7801

PHILADELPHIA REGIONAL PORT AUTHORITY

Notices

Request for bids 7802

STATE BOARD OF PHYSICAL THERAPY

Rules and Regulations

Act 38 of 2008 amendments 7652

STATE REAL ESTATE COMMISSION

Rules and Regulations

Education 7647

READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

Pennsylvania Bulletin

The *Pennsylvania Bulletin* is the official gazette of the Commonwealth of Pennsylvania. It is published every week and includes a table of contents. A cumulative subject matter index is published quarterly.

The *Pennsylvania Bulletin* serves several purposes. First, it is the temporary supplement to the *Pennsylvania Code*, which is the official codification of agency rules and regulations and other statutorily authorized documents. Changes in the codified text, whether by adoption, amendment, repeal or emergency action must be published in the *Pennsylvania Bulletin*. Further, agencies proposing changes to the codified text do so in the *Pennsylvania Bulletin*.

Second, the *Pennsylvania Bulletin* also publishes: Governor's Executive Orders; State Contract Notices; Summaries of Enacted Statutes; Statewide and Local Court Rules; Attorney General Opinions; Motor Carrier Applications before the Pennsylvania Public Utility Commission; Applications and Actions before the Department of Environmental Protection; Orders of the Independent Regulatory Review Commission; and other documents authorized by law.

The text of certain documents published in the *Pennsylvania Bulletin* is the only valid and enforceable text. Courts are required to take judicial notice of the *Pennsylvania Bulletin*.

Adoption, Amendment or Repeal of Regulations

Generally an agency wishing to adopt, amend or repeal regulations must first publish in the *Pennsylvania Bulletin* a Notice of Proposed Rulemaking. There are limited instances when the agency may omit the proposal step; it still must publish the adopted version.

The Notice of Proposed Rulemaking contains the full text of the change, the agency contact person, a fiscal note required by law and background for the action.

The agency then allows sufficient time for public comment before taking final action. An adopted proposal must be published in the *Pennsylvania Bulletin* before it can take effect. If the agency

wishes to adopt changes to the Notice of Proposed Rulemaking to enlarge the scope, it must repropose.

Citation to the *Pennsylvania Bulletin*

Cite material in the *Pennsylvania Bulletin* by volume number, a page number and date. Example: Volume 1, *Pennsylvania Bulletin*, page 801, January 9, 1971 (short form: 1 Pa.B. 801 (January 9, 1971)).

Pennsylvania Code

The *Pennsylvania Code* is the official codification of rules and regulations issued by Commonwealth agencies and other statutorily authorized documents. The *Pennsylvania Bulletin* is the temporary supplement to the *Pennsylvania Code*, printing changes as soon as they occur. These changes are then permanently codified by the *Pennsylvania Code Reporter*, a monthly, loose-leaf supplement.

The *Pennsylvania Code* is cited by title number and section number. Example: Title 10 *Pennsylvania Code*, § 1.1 (short form: 10 Pa.Code § 1.1).

Under the *Pennsylvania Code* codification system, each regulation is assigned a unique number by title and section. Titles roughly parallel the organization of Commonwealth government. Title 1 *Pennsylvania Code* lists every agency and its corresponding *Code* title location.

How to Find Documents

Search for your area of interest in the *Pennsylvania Code*. The *Pennsylvania Code* is available at www.pacode.com.

Source Notes give you the history of the documents. To see if there have been recent changes, not yet codified, check the List of *Pennsylvania Code* Chapters Affected in the most recent issue of the *Pennsylvania Bulletin*.

A chronological table of the history of *Pennsylvania Code* sections may be found at www.legis.state.pa.us.

The *Pennsylvania Bulletin* also publishes a quarterly List of Pennsylvania Code Sections Affected which lists the regulations in numerical order, followed by the citation to the *Pennsylvania Bulletin* in which the change occurred. The *Pennsylvania Bulletin* is available at www.pabulletin.com.

**SUBSCRIPTION INFORMATION: (717) 766-0211
GENERAL INFORMATION AND FINDING AIDS: (717) 783-1530**

Printing Format

Material proposed to be added to an existing rule or regulation is printed in **bold face** and material proposed to be deleted from such a rule or regulation is enclosed in brackets [] and printed in **bold face**. Asterisks indicate ellipsis of *Pennsylvania Code* text retained without change. Proposed new or additional regulations are printed in ordinary style face.

Fiscal Notes

Section 612 of The Administrative Code of 1929 (71 P. S. § 232) requires that the Office of Budget prepare a fiscal note for regulatory actions and administrative procedures of the administrative departments, boards, commissions or authorities receiving money from the State Treasury stating whether the proposed action or procedure causes a loss of revenue or an increase in the cost of programs for the Commonwealth or its political subdivisions; that the fiscal note be published in the *Pennsylvania Bulletin* at the same time as the proposed change is advertised; and that the fiscal note shall provide the following information: (1) the designation of the fund out of which the appropriation providing for expenditures under the action or procedure shall be made; (2) the probable cost for the fiscal year the program is implemented; (3) projected cost estimate of the program for each of the five succeeding fiscal years; (4) fiscal history of the program for which expenditures are to be made; (5) probable loss of revenue for the fiscal year of its implementation; (6) projected loss of revenue from the program for each of the five succeeding fiscal years; (7) line item, if any, of the General Appropriation Act or other appropriation act out of which expenditures or losses of Commonwealth funds shall occur as a result of the action or procedures; (8) recommendation, if any, of the Secretary of the Budget and the reasons therefor.

The required information is published in the foregoing order immediately following the proposed change to which it relates; the omission of an item indicates that the agency text of the fiscal note states that there is no information available with respect thereto. In items (3) and (6) information is set forth for the first through fifth fiscal years; in that order, following the year the program is implemented, which is stated. In item (4) information is set forth for the current and two immediately preceding years, in that order. In item (8) the recommendation, if any, made by the Secretary of Budget is published with the fiscal note. See 4 Pa. Code § 7.231 *et seq.* Where “no fiscal impact” is published, the statement means no additional cost or revenue loss to the Commonwealth or its local political subdivision is intended.

Reproduction, Dissemination or Publication of Information

Third parties may not take information from the *Pennsylvania Code* and *Pennsylvania Bulletin* and reproduce, disseminate or publish such information except as provided by 1 Pa. Code § 3.44. 1 Pa. Code § 3.44 reads as follows:

§ 3.44. General permission to reproduce content of Code and Bulletin.

Information published under this part, which information includes, but is not limited to, cross references, tables of cases, notes of decisions, tables of contents, indexes, source notes, authority notes, numerical lists and codification guides, other than the actual text of rules or regulations may be reproduced only with the written consent of the Bureau. The information which appears on the same leaf with the text of a rule or regulation, however, may be incidentally reproduced in connection with the reproduction of the rule or regulation, if the reproduction is for the private use of a subscriber and not for resale. There are no other restrictions on the reproduction of information published under this part, and the Commonwealth hereby consents to a reproduction.

List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2012.

4 Pa. Code (Administration)

Adopted Rules

| | |
|----------|--|
| 1 | 1631, 6998 |
| 5 | 3559, 3561, 5146 |
| 6 | 1633, 3199, 3559, 3561, 3563, 5146, 7000 |
| 7 | 5148 |
| 7a | 3566, 5148 |

Statements of Policy

| | |
|----------|--|
| 1 | 5506 |
| 9 | 27, 935, 1246, 2039, 2749, 4181, 4476, 4916, 5239, 5371, 5747, 6140, 6293, 6643, 7016, 7168, 7536 |
| 58 | 6544 |
| 68 | 5242 |

7 Pa. Code (Agriculture)

Proposed Rules

| | |
|-----------|------|
| 46 | 5218 |
| 76 | 5218 |
| 143 | 1378 |

10 Pa. Code (Banking and Securities)

Adopted Rules

| | |
|------------|------|
| 101 | 7533 |
| 102 | 7533 |
| 202 | 7533 |
| 203 | 7533 |
| 204 | 7533 |
| 205 | 7533 |
| 206 | 7533 |
| 207 | 7533 |
| 209 | 7533 |
| 210 | 7533 |
| 211 | 7533 |
| 301 | 7533 |
| 302 | 7533 |
| 303 | 7533 |
| 304 | 7533 |
| 305 | 7533 |
| 401 | 7533 |
| 403 | 7533 |
| 404 | 7533 |
| 501 | 7533 |
| 504 | 7533 |
| 513 | 7533 |
| 601 | 7533 |
| 602 | 7533 |
| 603 | 7533 |
| 605 | 7533 |
| 606 | 7533 |
| 609 | 7533 |
| 610 | 7533 |
| 701 | 7533 |
| 901 | 7533 |
| 1001 | 7533 |

Statements of Policy

| | |
|-----------|------|
| 604 | 7533 |
|-----------|------|

22 Pa. Code (Education)

Adopted Rules

| | |
|----------|------|
| 4 | 1859 |
| 10 | 4574 |

Proposed Rules

| | |
|----------|------|
| 4 | 6365 |
| 73 | 5872 |

Statements of Policy

| | |
|-----------|------|
| 731 | 5752 |
|-----------|------|

25 Pa. Code (Environmental Protection)

Adopted Rules

| | |
|-----------|------|
| 77 | 6536 |
| 86 | 7013 |
| 93 | 7412 |
| 121 | 4459 |
| 126 | 4459 |
| 128 | 4462 |
| 130 | 4463 |
| 208 | 7414 |
| 806 | 2193 |

Proposed Rules

| | |
|-----------|-----------------|
| 77 | 553 |
| 86 | 1228 |
| 93 | 4367 |
| 105 | 553 |
| 121 | 779, 3596, 4363 |
| 123 | 3596 |
| 129 | 779 |
| 130 | 779 |
| 139 | 3596, 4363 |

Statements of Policy

| | |
|----------|------|
| 16 | 4187 |
|----------|------|

31 Pa. Code (Insurance)

Proposed Rules

| | |
|-----------|------|
| 161 | 5629 |
| 163 | 5628 |

34 Pa. Code (Labor and Industry)

Adopted Rules

| | |
|-----------|------|
| 231 | 2273 |
| 401 | 7646 |
| 403 | 7646 |

Proposed Rules

| | |
|-----------|------|
| 65 | 2378 |
| 225 | 4468 |
| 401 | 1861 |
| 403 | 1861 |

40 Pa. Code (Liquor)

Adopted Rules

| | |
|----------|------|
| 3 | 388 |
| 11 | 4465 |

Proposed Rules

| | |
|----------|------|
| 5 | 6138 |
| 15 | 1504 |

49 Pa. Code (Professional and Vocational Standards)

Adopted Rules

| | |
|----------|------------|
| 7 | 5736 |
| 11 | 7267 |
| 16 | 2955, 5484 |
| 17 | 5484 |

| | |
|-----|------------------|
| 18 | 2955 |
| 21 | 5486 |
| 27 | 5182 |
| 31 | 6897 |
| 33 | 769, 5736 |
| 35 | 1376, 7647 |
| 36 | 6541 |
| 40 | 7652 |
| 43b | 5493, 7275, 7673 |

Proposed Rules

| | |
|-----|------------------|
| 16 | 1122, 2469, 3597 |
| 18 | 2469, 3597 |
| 25 | 2474, 3607 |
| 27 | 5353 |
| 41 | 5355 |
| 43b | 5742 |
| 47 | 5744 |
| 48 | 5744 |
| 49 | 5744 |

52 Pa. Code (Public Utilities)**Adopted Rules**

| | |
|------|---------|
| 54 | 5185 |
| 57 | 9 |
| 59 | 9, 5967 |
| 62 | 2159 |
| 63 | 3728 |
| 65 | 9 |
| 67 | 9, 5969 |
| 1055 | 777 |

Proposed Rules

| | |
|------|------------|
| 54 | 796, 3458 |
| 59 | 3454, 6637 |
| 62 | 2034, 3458 |
| 69 | 3458, 3458 |
| 72 | 3458 |
| 1005 | 2746 |

Statements of Policy

| | |
|----|------------|
| 69 | 1034, 1044 |
|----|------------|

55 Pa. Code (Public Welfare)**Adopted Rules**

| | |
|------|------------|
| 51 | 3230 |
| 52 | 2730 |
| 165 | 1992 |
| 168 | 2000 |
| 299 | 2007 |
| 1101 | 2010 |
| 1121 | 2015 |
| 1163 | 2023 |
| 1187 | 673, 3733 |
| 1189 | 3733 |
| 3041 | 2000, 2029 |
| 6211 | 3261 |

Statements of Policy

| | |
|------|------|
| 1187 | 3748 |
| 3270 | 675 |
| 3280 | 675 |
| 3290 | 675 |

58 Pa. Code (Recreation)**Adopted Rules**

| | |
|----|------------|
| 61 | 6289 |
| 65 | 3445, 7684 |
| 69 | 1502 |
| 71 | 1859 |
| 75 | 7684 |
| 93 | 7688 |
| 99 | 7688 |

| | |
|------|--|
| 105 | 7688 |
| 109 | 7688 |
| 115 | 7690 |
| 131 | 5213, 7106 |
| 133 | 7106 |
| 135 | 3581, 7107 |
| 139 | 3581 |
| 141 | 3588, 3590, 3591, 3592, 3593, 5214, 7108 |
| 143 | 5215 |
| 147 | 3594, 4305, 5216, 7109 |
| 401a | 2585, 5857 |
| 423a | 5857 |
| 427a | 5857 |
| 433a | 5857 |
| 435a | 5857 |
| 436a | 5857 |
| 461a | 2585, 4305 |
| 465a | 2585 |
| 467a | 2585 |
| 513a | 5857 |
| 521 | 2585, 2629 |
| 523 | 2649 |
| 524 | 2675, 4305 |
| 525 | 2585 |
| 526 | 2629 |
| 527 | 2629 |
| 528 | 2675, 4305 |
| 529 | 2675, 4305 |
| 531 | 2877 |
| 533 | 2877 |
| 535 | 2886 |
| 537 | 2886 |
| 539 | 2886 |
| 541 | 2906 |
| 543 | 2906 |
| 545 | 2906 |
| 549 | 2922, 4320 |
| 551 | 2686 |
| 553 | 2686 |
| 555 | 4320, 4584 |
| 557 | 4333 |
| 559 | 4333 |
| 561 | 2922, 4320 |
| 563 | 4320, 4584 |
| 565 | 4333 |
| 567 | 2877 |
| 569 | 4333 |
| 571 | 2686 |
| 573 | 2686 |
| 577 | 4697 |
| 579 | 5865 |
| 601a | 2629 |
| 603a | 2649 |
| 605a | 2675, 4305 |
| 609a | 2629 |
| 611a | 2629 |
| 613a | 2675, 4305 |
| 615a | 2675, 4305 |
| 617a | 2877 |
| 619a | 2877 |
| 621a | 2886 |
| 623a | 2886 |
| 625a | 2886 |
| 627a | 2906 |
| 629a | 2906 |
| 631a | 2906 |
| 633a | 2922, 4320 |
| 635a | 2686 |
| 637a | 2686 |
| 639a | 4320, 4584 |

| | |
|------|------------|
| 641a | 4333 |
| 643a | 4333 |
| 645a | 2922, 4320 |
| 647a | 4320, 4584 |
| 649a | 4333 |
| 651a | 2877 |
| 653a | 4333 |
| 655a | 2686 |
| 657a | 2686 |

Proposed Rules

| | |
|------|--|
| 29 | 4720 |
| 61 | 1862 |
| 65 | 3449, 7693 |
| 75 | 3449 |
| 93 | 3446 |
| 99 | 3446 |
| 105 | 3446 |
| 109 | 3446 |
| 115 | 4472 |
| 131 | 3268, 5236 |
| 133 | 5238 |
| 135 | 1238, 5235 |
| 139 | 1238, 1864 |
| 141 | 1231, 1232, 1233, 1235, 1236, 3268, 5234 |
| 143 | 3267 |
| 147 | 1244, 3270, 5236, 6760 |
| 401a | 2962 |
| 435a | 2962 |
| 437a | 2962 |
| 441a | 2962 |
| 461a | 6761 |
| 463a | 6761 |
| 464a | 6761 |
| 465a | 6761 |
| 607a | 6761 |
| 627a | 6761 |
| 629a | 6761 |
| 631a | 6761 |
| 633a | 6761 |

Statements of Policy

| | |
|------|------|
| 436b | 5875 |
|------|------|

61 Pa. Code (Revenue)**Adopted Rules**

| | |
|---|------|
| 5 | 7279 |
|---|------|

Proposed Rules

| | |
|-----|------|
| 7 | 1222 |
| 117 | 2381 |
| 119 | 2381 |
| 121 | 2381 |
| 901 | 1222 |

64 Pa. Code (Reserved and Renumbered)**Adopted Rules**

| | |
|-----|------|
| 101 | 7533 |
| 102 | 7533 |
| 202 | 7533 |
| 203 | 7533 |
| 204 | 7533 |
| 205 | 7533 |
| 206 | 7533 |
| 207 | 7533 |
| 209 | 7533 |
| 210 | 7533 |
| 211 | 7533 |
| 301 | 7533 |
| 302 | 7533 |
| 303 | 7533 |

| | |
|------|------|
| 304 | 7533 |
| 305 | 7533 |
| 401 | 7533 |
| 403 | 7533 |
| 404 | 7533 |
| 501 | 7533 |
| 504 | 7533 |
| 513 | 7533 |
| 601 | 7533 |
| 602 | 7533 |
| 603 | 7533 |
| 605 | 7533 |
| 606 | 7533 |
| 609 | 7533 |
| 610 | 7533 |
| 701 | 7533 |
| 901 | 7533 |
| 1001 | 7533 |

Statements of Policy

| | |
|-----|------|
| 604 | 7533 |
|-----|------|

67 Pa. Code (Transportation)**Adopted Rules**

| | |
|-----|------|
| 43 | 6290 |
| 231 | 25 |
| 255 | 6291 |

Proposed Rules

| | |
|-----|------|
| 17 | 5627 |
| 84 | 3746 |
| 175 | 4704 |
| 441 | 5497 |
| 443 | 4702 |

Statements of Policy

| | |
|-----|------|
| 190 | 2481 |
|-----|------|

101 Pa. Code (General Assembly)**Statements of Policy**

| | |
|----|----------|
| 31 | 29, 7282 |
|----|----------|

201 Pa. Code (Rules of Judicial Administration)**Adopted Rules**

| | |
|---|------------|
| 2 | 4907 |
| 5 | 4907, 7246 |

204 Pa. Code (Judicial System General Provisions)**Adopted Rules**

| | |
|-----|------------------------------|
| 29 | 5854, 5855 |
| 81 | 1637, 2186, 3127, 3431 |
| 82 | 1638 |
| 83 | 1637, 1639, 2186, 3127, 3431 |
| 85 | 5156 |
| 87 | 5156, 6864 |
| 89 | 5156, 6864 |
| 91 | 5156, 6864 |
| 93 | 5156, 6864 |
| 211 | 7404 |
| 213 | 7520 |
| 303 | 6072 |

Proposed Rules

| | |
|-----|------------|
| 213 | 658 |
| 303 | 1798, 4846 |

210 Pa. Code (Appellate Procedure)**Adopted Rules**

| | |
|----|------------|
| 1 | 2269, 7007 |
| 3 | 374, 4693 |
| 9 | 2269 |
| 11 | 2269 |

| | |
|----------|------------|
| 15 | 2269 |
| 37 | 3569 |
| 67 | 1642, 4450 |
| 69 | 4450 |

Proposed Rules

| | |
|----------|------------------|
| 1 | 1640 |
| 3 | 1360 |
| 15 | 1360 |
| 19 | 1986 |
| 21 | 1640, 7246, 7247 |
| 37 | 659 |

225 Pa. Code (Rules of Evidence)**Adopted Rules**

| | |
|------------------|------|
| Article VI | 1858 |
|------------------|------|

Proposed Rules

| | |
|--------------------|------|
| Article VIII | 6871 |
|--------------------|------|

231 Pa. Code (Rules of Civil Procedure)**Adopted Rules**

| | |
|---------------|---------------------------------|
| 200 | 377, 1363 |
| 1000 | 6872 |
| 1700 | 2954 |
| 1910 | 379, 545, 930, 7091, 7521, 7522 |
| 3000 | 4907 |
| 4000 | 3574 |
| Part II | 4908 |

Proposed Rules

| | |
|---------------|------------------------------|
| 200 | 377 |
| 1000 | 6244 |
| 1900 | 3722, 6245 |
| 1910 | 1642, 3722, 3724, 3726, 7404 |
| 1915 | 1660, 6246, 7408 |
| 1930 | 6247 |
| 2220 | 6244 |
| 3000 | 6130 |
| Part II | 5730 |

234 Pa. Code (Rules of Criminal Procedure)**Adopted Rules**

| | |
|----------|------------------------------|
| 1 | 1364, 4140, 5333, 6622 |
| 2 | 6247 |
| 3 | 6247, 6622 |
| 4 | 6247 |
| 5 | 2465, 4140, 5333, 6247, 6622 |
| 6 | 545, 4140, 6247, 6622 |
| 8 | 6635 |
| 9 | 4140, 5347, 6247 |
| 10 | 4140, 5333 |

Proposed Rules

| | |
|---------|-----------|
| 1 | 380, 5164 |
|---------|-----------|

| | |
|---------|------------------------------|
| 4 | 6529 |
| 5 | 1369, 4568, 5732, 6252, 6254 |
| 6 | 380, 1369, 4568, 5732 |
| 8 | 4568, 6254 |

237 Pa. Code (Juvenile Rules)**Adopted Rules**

| | |
|---------|------------------|
| 1 | 547, 3203, 5734 |
| 2 | 4908, 4909, 5350 |
| 3 | 3203, 4909, 5350 |
| 4 | 664, 4909, 5350 |
| 5 | 1214, 4909 |
| 6 | 1214 |
| 8 | 4909 |

Proposed Rules

| | |
|----------|------------------------|
| 1 | 5470, 5480, 5734, 7248 |
| 3 | 7248 |
| 4 | 7248 |
| 5 | 7248 |
| 6 | 7248 |
| 8 | 7248 |
| 11 | 5470, 5480, 5734, 7257 |
| 12 | 7257 |
| 16 | 7257 |
| 18 | 5470, 5734 |

246 Pa. Code (Minor Court Civil Rules)**Adopted Rules**

| | |
|------------|------|
| 1000 | 4913 |
|------------|------|

Proposed Rules

| | |
|------------|------------|
| 200 | 1116 |
| 300 | 1116, 7007 |
| 400 | 7007 |
| 1000 | 7525 |

249 Pa. Code (Philadelphia Rules)

| | |
|------------------|---|
| Unclassified ... | 1217, 1372, 2186, 2188, 2467, 3130, 4160, 5965, 6262, 6873, 7010, 7263 |
|------------------|---|

252 Pa. Code (Allegheny County Rules)

| | |
|-------------------|--|
| Unclassified | 930, 2727, 3436, 3437, 3438, 3439, 3440, 7093, 7527, 7531 |
|-------------------|--|

255 Pa. Code (Local Court Rules)

| | |
|--------------------|---|
| Unclassified | 8, 203, 550, 551, 669, 670, 671, 762, 766, 768, 934, 1033, 1121, 1219, 1375, 1500, 1661, 1662, 1989, 1990, 1991, 2189, 2270, 2271, 2371, 2372, 2374, 2728, 3134, 3136, 3206, 3228, 3440, 3443, 3576, 3579, 4162, 4164, 4177, 4457, 4570, 4913, 4914, 5167, 5179, 5180, 5482, 5622, 5625, 5626, 5855, 6131, 6132, 6135, 6262, 6282, 6286, 6532, 6533, 6534, 6636, 6758, 6887, 7010, 7097, 7104, 7264, 7265, 7409, 7532, 7643, 7644 |
|--------------------|---|

THE COURTS

Title 255—LOCAL COURT RULES

MONTGOMERY COUNTY Administrative Order Clerk of Courts Fee Bill; No. AD 479-2012

Order

And Now, this 6th day of December, 2012, the Court approves the following Clerk of Courts Fee Schedule to be effective January 1, 2013.

By the Court

WILLIAM J. FURBER, Jr.,
President Judge

Montgomery County Clerk of Courts Fee Schedule Effective 01/01/2013

| <i>Description</i> | <i>Fee</i> | <i>Plus Automation Fee</i> | <i>Total</i> |
|--|------------|--------------------------------|--------------|
| Appeal to Superior Court (Clerk of Courts Fee) | \$66.50 | \$5.00 | \$71.50 |
| Appeal to Superior Court (Superior Court Fee)—(Effective 12-08-2009) | \$73.50 | N/A | \$73.50 |
| Bail Bond Filing Fees (Applicable to Bonding Companies Only) | \$21.75 | \$5.00 | \$26.75 |
| Bail Pieces | \$21.75 | N/A | \$21.75 |
| Certified Copies | \$10.00 | N/A | \$10.00 |
| Checks returned due to Insufficient Funds | \$35.75 | N/A | \$35.75 |
| Clerk of Courts Fee During and After Trial | \$331.50 | N/A | \$331.50 |
| Clerk of Courts Fee Prior to Trial | \$276.50 | N/A | \$276.50 |
| Clerk of Courts Processing Fee—Summary | \$29.75 | N/A | \$29.75 |
| Constable Appointment Petitions | \$21.75 | \$5.00 | \$26.75 |
| Copies (Per Sheet) | \$1.00 | N/A | \$1.00 |
| Copies from Micro Fiche (Per Sheet) | \$2.00 | N/A | \$2.00 |
| Criminal Record Searches (Computer & Micro Fiche search) | \$21.75 | N/A | \$21.75 |
| Criminal Record Searches (Computer search back to 1984) | \$21.75 | N/A | \$21.75 |
| Expungements | \$21.75 | \$5.00 | \$26.75 |
| Finger Print Cards (Per Card) | \$14.75 | N/A | \$14.75 |
| Nunc Pro Tunc | \$21.75 | \$5.00 | \$26.75 |
| Pre-Trial Motions and Miscellaneous Filings | \$21.75 | \$5.00 | \$26.75 |
| Private Detective License—(New Application) | \$21.75 | \$5.00 | \$26.75 |
| Private Detective License—(Renewal Application) | \$21.75 | \$5.00 | \$26.75 |
| Private Detective License—New (Corporation) | \$300.00 | N/A | \$300.00 |
| Private Detective License—New (Person) | \$200.00 | N/A | \$200.00 |
| Private Detective License—Renewal (Corporation) | \$750.00 | N/A | \$750.00 |
| Private Detective License—Renewal (Person) | \$500.00 | N/A | \$500.00 |
| Property Bail | \$21.75 | \$5.00 | \$26.75 |
| Return of Property Filings | \$21.75 | \$5.00 | \$26.75 |
| Subpoenas | \$3.50 | N/A | \$3.50 |
| Summary Appeals | \$54.50 | \$5.00 | \$59.50 |
| Tax Collector Bonds | \$21.75 | \$5.00 | \$26.75 |

[Pa.B. Doc. No. 12-2461. Filed for public inspection December 21, 2012, 9:00 a.m.]

MONTGOMERY COUNTY

Adoption of Local Rule of Civil Procedure 230.2—
Termination of Inactive Cases

Order

And Now, this 19th day of November, 2012, the Court hereby Adopts Montgomery County Local Rules of Civil Procedure 230.2—Termination of Inactive Cases. This Local Rule shall become effective thirty days after publication in the *Pennsylvania Bulletin*.

The Court Administrator is directed to publish this Order once in the *Montgomery County Law Reporter* and in *The Legal Intelligencer*. In conformity with Pa.R.C.P. 230, one (1) certified copy of this Order shall be filed with the Administrative Office of Pennsylvania Courts. Two (2) certified copies shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, and one (1) certified copy shall be filed with the Civil Procedural Rules Committee. One (1) copy shall be filed with the Law Library of Montgomery County, and one (1) copy with each Judge of this Court.

By the Court

WILLIAM J. FURBER, Jr.,
President Judge

Rule 230.2*. Termination of Inactive Cases.

Following the filing of a statement of intention to proceed pursuant to Pa.R.C.P. 230.2, the Court may schedule a Discovery Management Conference in the subject case as set forth in Montgomery County Local Rule of Civil Procedure 4019*(5). This Local Rule shall not apply to family, assessment appeal or zoning cases. This Local Rule shall be applicable to all remaining civil cases regardless of the nature or extent of the relief sought.

[Pa.B. Doc. No. 12-2462. Filed for public inspection December 21, 2012, 9:00 a.m.]

COMMONWEALTH COURT

Closure of the Philadelphia Filing Office

Effective December 31, 2012 the Commonwealth Court Philadelphia filing office in the Widener Building will permanently close.

The Court will no longer accept filings, in person or by mail, at the Philadelphia facility.

Effective January 2, 2013, all Commonwealth Court filings must be made in the Harrisburg filing office. Filing in Harrisburg must be made in person, by mail as provided by general rules, or as otherwise permitted by general rules of court.

Note this important change and direct questions to filing office staff or to the Chief Clerk's Office at (717) 255-1661.

DAN PELLEGRINI,
President Judge

[Pa.B. Doc. No. 12-2463. Filed for public inspection December 21, 2012, 9:00 a.m.]

SUPREME COURT

Duty Assignment Schedule for Emergency Petitions in the Year 2013; No. 392 Judicial Administration Doc.

Order

Per Curiam:

And Now, this 6th day of December, 2012, the emergency duty assignment for the year 2013, is herewith adopted.

| | | |
|-----------|---|--|
| January | Justice J. Michael Eakin Justice Seamus P. McCaffery | (Eastern District) (Western District) |
| February | Justice Thomas G. Saylor Justice Debra Todd | (Eastern District) (Western District) |
| March | Justice Max Baer Justice J. Michael Eakin | (Eastern District) (Western District) |
| April | Justice Seamus P. McCaffery Justice Thomas G. Saylor | (Eastern District) (Western District) |
| May | Justice Debra Todd Justice Max Baer | (Eastern District) (Western District) |
| June | Justice J. Michael Eakin Justice Seamus P. McCaffery | (Eastern District) (Western District) |
| July | Justice Thomas G. Saylor Justice Debra Todd | (Eastern District) (Western District) |
| August | Justice Max Baer Justice J. Michael Eakin | (Eastern District) (Western District) |
| September | Justice Seamus P. McCaffery Justice Thomas G. Saylor | (Eastern District) (Western District) |
| October | Justice Debra Todd Justice Max Baer | (Eastern District) (Western District) |
| November | Justice J. Michael Eakin Justice Seamus P. McCaffery | (Eastern District) (Western District) |
| December | Justice Debra Todd Justice Max Baer | (Eastern District) (Western District) |

[Pa.B. Doc. No. 12-2464. Filed for public inspection December 21, 2012, 9:00 a.m.]

Sessions of the Supreme Court of Pennsylvania
for the Year 2014; No. 393 Judicial Administration Doc.

Order

Per Curiam

And Now, this 6th day of December, 2012 it is ordered that the argument/administrative sessions of the Supreme Court of Pennsylvania shall be held in the year 2014 as follows:

| | |
|--|---|
| Philadelphia (Administrative Session) | February 6th |
| Philadelphia | March 10th through March 14th |
| Harrisburg (Administrative Session) | March 27th |
| Pittsburgh | April 7th through April 11th |
| Harrisburg | May 5th through May 9th |
| Pittsburgh (Administrative Session) | June 5th |
| Philadelphia | September 8th through September 12th |
| Pittsburgh | October 6th through October 10th |
| Harrisburg | November 17th through November 21st |

Additional argument/administrative sessions may be scheduled as the Court deems necessary.

[Pa.B. Doc. No. 12-2465. Filed for public inspection December 21, 2012, 9:00 a.m.]

RULES AND REGULATIONS

Title 34—LABOR AND INDUSTRY

DEPARTMENT OF LABOR AND INDUSTRY

[34 PA. CODE CHS. 401 AND 403]

Uniform Construction Code

In accordance with section 304 of the Pennsylvania Construction Code Act (act) (35 P.S. § 7210.304), the Department of Labor and Industry (Department) amends Chapters 401 and 403 (relating to Uniform Construction Code training and certification of code administrators; and administration).

Statutory Authority

This final-form rulemaking is issued under the authority in section 304(a)(3) of the act, which provides that the Department shall promulgate regulations updating accessibility standards by adopting Chapter 11 and Appendix E of the International Building Code of 2012, or its successor, by December 31 of the year of issuance of the new code.

Background

The act mandates a process for the adoption of updated building codes issued by the International Code Council. Although most building code provisions are reviewed by the Uniform Construction Code Review and Advisory Council, under section 107 of the act (35 P.S. § 7210.107), the General Assembly excluded accessibility provisions of the International Building Code from review. The act of April 25, 2011 (P.L. 1, No. 1) (Act 1) amended the act to require that the Department regularly adopt updated accessibility standards for the construction, repair or alteration of buildings in this Commonwealth by December 31 of the year of issuance, beginning with Chapter 11 and Appendix E of the International Building Code of 2012. Therefore, the Department is required to adopt these provisions by December 31, 2012. Adoption of the current accessibility standards will ensure that commercial buildings meet current standards for accessible and usable facilities.

The Department published notice of proposed rulemaking at 42 Pa.B. 1861 (April 7, 2012). The Department received written comments from Robert Heil, on behalf of the Pennsylvania Association of Building Code Officials (PABCO), and Elam Herr, on behalf of the Pennsylvania State Association of Township Supervisors (PSATS). On June 6, 2012, the Department received a letter from the Independent Regulatory Review Commission (IRRC) indicating that it did not have objections, comments or recommendations to offer regarding the proposed rulemaking.

Purpose

The purpose of this final-form rulemaking is to adopt recognized International standards for accessible and usable buildings and structures as directed by Act 1. The final-form rulemaking brings the Commonwealth's standards for accessible and usable buildings to the current state of the art and conforms to standards issued by the United States Department of Justice under the Americans with Disabilities Act of 1990 (42 U.S.C.A. §§ 12101—12213). Adopting Chapter 11 and Appendix E of the 2012

International Building Code will allow the Department to comply with the directive of the act.

Response to Comments

PABCO commented that the Department is adopting the ICC A117.1-2009 standard without authority to do so. This final-form rulemaking does not explicitly adopt ICC A117.1-2009. However, ICC A117.1-2009 is adopted by Chapter 11 of the 2012 International Building Code. The Department is required under section 304(a)(3) of the act to adopt Chapter 11 and Appendix E of the 2012 International Building Code. Those are the only standards that are expressly adopted by this final-form rulemaking.

PABCO and PSATS commented that there are accessibility provisions in sections of the 2012 International Building Code other than Chapter 11 and Appendix E and expressed concern regarding those provisions. PABCO urged the Department to adopt other accessibility provisions. Section 304(a)(3) of the act clearly directs the Department to adopt Chapter 11 and Appendix E. The Department does not have authority to expressly adopt other provisions.

PABCO commented that the Department should provide, by regulation, a list of the chapters, sections and subsections in the International Building Code and the International Existing Building Code that pertain to accessibility. Again, section 304(a)(3) of the act gives the Department authority to adopt Chapter 11 and Appendix E of the International Building Code of 2012. The Department is constrained to adopt only those sections. The Department may provide guidance to code officials regarding its interpretation of this adoption at a later date.

Affected Persons

This final-form rulemaking affects owners of new commercial buildings or commercial buildings undergoing addition, renovation or repair. It also ensures that persons with physical disabilities will be able to access and use commercial buildings in this Commonwealth.

Fiscal Impact

The Commonwealth will incur minimal additional costs under this final-form rulemaking. Costs are related to the purchase of updated code books for Commonwealth personnel. The cost to enforce the final-form rulemaking will be the same as the current regulations. This final-form rulemaking will not increase administrative, enforcement or legal activity.

Reporting, Recordkeeping and Paperwork Requirements

This final-form rulemaking will not require the creation of new forms or reporting requirements. Current forms may be updated.

Sunset Date

A sunset date is not appropriate for this final-form rulemaking. The act directs the Department to update these regulations with each new International Code Council, or successor code, edition.

Effective Date

This final-form rulemaking takes effect December 31, 2012.

Contact Person

The contact person is Edward Leister, Director, Bureau of Occupational and Industrial Safety, Department of

Labor and Industry, 16th Floor, Labor and Industry Building, 651 Boas Street, Harrisburg, PA 17120, eleister@pa.gov.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on March 23, 2012, the Department submitted a copy of the notice of proposed rulemaking, published at 42 Pa.B. 1861, to IRRC and the Chairpersons of the Senate Committee on Labor and Industry and the House Labor and Industry Committee for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC and the House and Senate Committees were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing the final-form rulemaking, the Department has considered all comments from IRRC, the House and Senate Committees and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on November 14, 2012, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5(g) of the Regulatory Review Act, the final-form rulemaking was deemed approved by IRRC effective November 14, 2012.

Findings

The Department finds that:

(a) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202) and regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(b) A public comment period was provided as required by law and the comments were considered.

(c) The final-form rulemaking is necessary and appropriate for the administration and enforcement of the act.

Order

The Department, acting under the authorizing statute, orders that:

(a) The regulations of the Department, 34 Pa. Code Chapters 401 and 403, are amended by amending §§ 401.1 and 403.21 to read as set forth at 42 Pa.B. 1861.

(b) The Secretary of the Department shall submit this order and 42 Pa.B. 1861 to the Office of General Counsel and the Office of Attorney General for approval as to legality and form as required by law.

(c) The Secretary of the Department shall submit this order and 42 Pa.B. 1861 to IRRC, the Senate Labor and Industry Committee and the House Labor Relations Committee as required by law.

(d) The Secretary of the Department shall certify this order and 42 Pa.B. 1861 and deposit them with the Legislative Reference Bureau as required by law.

(e) This order takes effect December 31, 2012.

JULIA K. HEARTHWAY,
Secretary

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 42 Pa.B. 7364 (December 1, 2012).)

Fiscal Note: Fiscal Note 12-94 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 12-2466. Filed for public inspection December 21, 2012, 9:00 a.m.]

Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

STATE REAL ESTATE COMMISSION

[49 PA. CODE CH. 35]

Education

The State Real Estate Commission (Commission) amends §§ 35.201, 35.271—35.273, 35.275, 35.308, 35.341, 35.354, 35.359, 35.384 and 35.385 to read as set forth in Annex A.

Statutory Authority

The final-form rulemaking is authorized under section 404.1 of the Real Estate Licensing and Registration Act (63 P.S. § 455.404a).

Background and Purpose

In 2004, the Commission amended its regulations to consolidate duplicative prelicensure and continuing education provisions and revise outdated, burdensome and unnecessary real estate education provider requirements. Since that time, the Commission has reviewed the effectiveness of its regulations and determined that several provisions require additional amendment. This final-form rulemaking: (1) reinstitutes the requirement that real estate education providers provide transcripts, electronically or in print, to licensees; (2) requires new licensees to complete a required course as a condition of their first biennial renewal; (3) consolidates and clarifies real estate education provider provisions; (4) defines and uses the term “accredited college” consistently throughout the regulations; and (5) adds appropriate cross references to aid clarity for continuing education providers.

Response to Comments

Notice of proposed rulemaking was published at 40 Pa.B. 5195 (September 11, 2010). Publication was followed by a 30-day public comment period during which the Commission received a letter from the Pennsylvania Association of Realtors (PAR) indicating that PAR, along with its school, the Pennsylvania Realtors Institute, did not have comments or questions concerning the proposed rulemaking. The Commission did receive public comments from the School Directors within the PAR (School Directors), and the Greater Harrisburg Association of Realtors and its related organization the Greater Harrisburg Realtors Institute (GHAR/GHRI). Following the close of the public comment period, the Commission received comments from the Independent Regulatory Review Commission (IRRC) and the House Professional Licensure Committee (HPLC). The Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) did not comment.

References to “industry organization”

Proposed §§ 35.271, 35.272, 35.273 and 35.275 included references to “industry organizations” among those entities that could provide prelicensure education to candidates for licensure. The School Directors, GHAR/GHRI and the HPLC questioned whether the Commission should define “industry organization.” Upon reviewing the multitude of organizations that hold themselves out as “real estate industry organizations” and noting that many do not have expertise in, nor are they designed to, provide

real estate education, the Commission deleted references to “industry organization” in the final-form rulemaking.

GHAR/GHRI suggested that the final-form rulemaking should refer specifically to the National Association of Realtors (NAR) instead of the term “industry organization” to give credit for the NAR’s designation programs. The Commission believes that an amendment does not need to be made because these courses would fall within §§ 35.271(b)(3)(i) and (ii), 35.272(b)(3)(i) and (ii), 35.273(b)(4)(i) and (ii) and 35.275(b)(3)(i) and (ii) if taught within this Commonwealth and §§ 35.271(b)(3)(iii), 35.272(b)(3)(iii), 35.273(b)(4)(iii), and 35.275(b)(3)(iii) if taught outside of this Commonwealth and they are approved by the licensing jurisdiction where the provider is located.

§ 35.359—Course documentation

Proposed § 35.359 (relating to course documentation) required continuing education providers to provide transcripts to students within 30 days after course completion. The School Directors asked the Commission to define “provide” to clarify whether paper transcripts or original signatures are required. GHAR/GHRI recommended that transcripts only be provided upon audit instead of at the completion of the course and commented that paper transcripts are costly.

The Commission learned from continuing education providers that licensees frequently ask the providers to supply additional copies of transcripts to respond to an audit. Owing to the concerns of the commentators, the Commission considered deleting the requirement that transcripts be provided following each course and replacing it with the requirement that providers “make the transcripts available to course participants.” Ultimately, the Commission decided not to make this change as it would shift the burden of demonstrating compliance from the individual licensee to the provider. Additionally, in the event of a provider closing or destruction of its records, the licensee would be unable to verify compliance with the continuing education requirements. Because the Commission believes that this is the licensee’s obligation, amendments have not been made and the final-form rulemaking requires providers to provide transcripts to participants upon completion of the course. However, to ease the burden on providers, the Commission clarified that the transcripts can be produced in any format that cannot be altered, including electronically or in print, so long as the transcript is signed by the provider or director. Allowing for an electronic format should help alleviate some, if not most, of the providers’ cost concerns.

IRRC questioned why the cross reference to § 35.360(a)(5)(i)—(viii) (relating to records) did not contain subparagraph (ix) and inquired whether it should be added. The Commission added subparagraph (ix) to the citation.

References to “accredited college” and “college, university or institute of higher learning”

The proposed definition of “accredited college” recognized institutions accredited by Middle States Commission on Higher Education or an equivalent body. IRRC questioned the criteria used to evaluate the “equivalent body.” In response to this comment, the Commission reviewed the current recognition bodies and determined that the most inclusive, while assuring quality, were the Council for Higher Education Accreditation and the United States Secretary of Education. The Commission replaced “accredited by the Middle States Commission on Higher Education or an equivalent body” with “recognized

by the Council for Higher Education Accreditation or the United States Secretary of Education” in this final-form rulemaking.

The HPLC questioned whether the Commission should also amend §§ 35.271(b)(1)(i) and (ii), 35.272(b)(1)(i) and (ii), 35.273(b)(1)(i) and (ii), 35.275(b)(1)(i) and (ii), 35.308, 35.341(6)(i)(a) and 35.354(a)(3) so that the Commission’s use of “accredited college” is consistent throughout the regulations. The Commission found this suggestion worthwhile and amended these provisions to replace “an accredited college, university or institute of higher learning” with “an accredited college as defined in § 35.201 (relating to definitions)” throughout the final-form rulemaking.

§ 35.272—Examination for salesperson’s license

IRRC commented that § 35.272(b)(2)(ii) (relating to examination for salesperson’s license) permitted credits offered by a provider “approved by the Commission” but it did not explain the process for approval. IRRC further noted that § 35.341 (relating to approval of real estate education provider) included a process for approval of real estate education providers. Therefore, the Commission amended this section to include a cross reference to § 35.341 to help clarify the approval process for real estate education providers. The Commission also added this cross reference to §§ 35.271(b)(3)(ii), 35.273(b)(2)(ii) and 35.275(b)(2)(ii) (relating to examination for broker’s license; examination for cemetery broker’s license; and examination for rental listing referral agent’s license).

§ 35.385—Continuing education providers

IRRC questioned why the Commission intends for continuing education providers to comply with certain subsections rather than entire sections that apply to real estate education providers. Subsection (b) identifies the sections of the regulations that apply to providers that only do continuing education. The sections that were not identified deal with providers that do precensure education as opposed to continuing education. The Commission has had many questions in the past from continuing education providers as to what was required of them. This section would help alleviate confusion as to what applies to the continuing education provider. The Commission is also deleting the reference to § 35.355 (relating to prospectus materials) as that was inadvertently added.

Fiscal Impact and Paperwork Requirements

The final-form rulemaking does not have fiscal impact on the Commonwealth, its political subdivisions or the public. The final-form rulemaking will impose a paperwork requirement which may have a fiscal impact on the regulated community because the regulations require real estate education providers to provide signed transcripts/certificates of completion to continuing education participants/instructors at the end of each course and because licensees are required to retain this documentation for 2 years following the end of the biennial renewal period for purposes of audit. The fiscal impact on the providers should be minimal since they may provide transcripts/certificates of completion electronically.

Sunset Date

The Board continually monitors the effectiveness of its regulations through communication with the regulated population. Therefore, a sunset date has not been set.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on August 27, 2010, the Commission

submitted a copy of the notice of proposed rulemaking, published at 40 Pa.B. 5195, to IRRC and the Chairpersons of the HPLC and the SCP/PLC for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC, the HPLC and the SCP/PLC were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing the final-form rulemaking, the Board has considered all comments from IRRC, the HPLC, the SCP/PLC and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on November 14, 2012, the final-form rulemaking was deemed approved by the HPLC and the SCP/PLC. Under section 5.1(e) of the Regulatory Review Act, IRRC met on November 15, 2012, and approved the final-form rulemaking.

Contact Person

Further information may be obtained by contacting Patricia Ridley, Administrator, State Real Estate Commission, P. O. Box 2649, Harrisburg, PA 17105-2649, (717) 783-3658.

Findings

The Commission finds that:

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) and regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law and the comments were considered.

(3) The amendments to the final-form rulemaking do not enlarge the purpose of proposed rulemaking published at 40 Pa.B. 5195.

(4) This amendment is necessary and appropriate for administering and enforcing the authorizing acts identified in this preamble.

Order

The Commission, acting under its authorizing statutes, orders that:

(a) The regulations of the Commission, 49 Pa. Code Chapter 35, are amended by amending §§ 35.201, 35.271—35.273, 35.275, 35.308, 35.341, 35.354, 35.359, 35.384 and 35.385 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(*Editor's Note:* Final-form §§ 35.308 and 35.354 were not included in the proposed rulemaking published at 40 Pa.B. 5195.)

(b) The Commission shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General as required by law.

(c) The Commission shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect on publication in the *Pennsylvania Bulletin*.

JEFFREY J. JOHNSON,
Chairperson

(*Editor's Note:* For the text of the order of the Independent Regulatory Review Commission relating to this document, see 42 Pa.B. 7364 (December 1, 2012).)

Fiscal Note: Fiscal Note 16A-5613 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 35. STATE REAL ESTATE COMMISSION

Subchapter B. GENERAL PROVISIONS

§ 35.201. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Accredited college—A college, university or institute of higher learning recognized by the Council for Higher Education Accreditation or the United States Secretary of Education.

Act—The Real Estate Licensing and Registration Act (63 P. S. §§ 455.101—455.902).

* * * * *

Subchapter D. LICENSING EXAMINATIONS

§ 35.271. Examination for broker's license.

* * * * *

(b) The Commission will apply the following standards in determining whether an examination candidate has met the education requirement of subsection (a)(4):

(1) A candidate who has obtained one of the following degrees will be deemed to have met the education requirement and will not be required to show completion of coursework in specific areas of study:

(i) A bachelor's degree with a major in real estate from an accredited college as defined in § 35.201 (relating to definitions).

(ii) A bachelor's degree from an accredited college as defined in § 35.201, having completed coursework equivalent to a major in real estate.

(iii) A juris doctor degree from an accredited law school.

(2) Candidates who have not obtained a degree specified in paragraph (1) shall acquire 16 credits in professional real estate education. Two of the required 16 credits shall be in a Commission-developed or approved real estate office management course and 2 of the required 16 credits shall be in a Commission-developed or approved law course. At least 6 of the remaining 12 credits shall be in 3 or more of the Commission-developed courses listed in this paragraph. The remaining 6 credits shall be in real estate courses but not necessarily those listed in this paragraph. A candidate may not apply credits used to qualify for the salesperson's examination toward fulfillment of the broker education requirement.

(i) Real Estate Law.

(ii) Real Estate Finance.

(iii) Real Estate Investment.

(iv) Residential Property Management.

(v) Nonresidential Property Management.

(vi) Real Estate Sales.

(vii) Residential Construction.

(viii) Valuation of Residential Property.

(ix) Valuation of Income-Producing Property.

(3) To be counted toward the education requirement, a real estate course shall have been offered by:

(i) An accredited college as defined in § 35.201.

(ii) A real estate education provider who has met the approval requirements in § 35.341 (relating to approval of real estate education provider).

(iii) A real estate education provider outside this Commonwealth that has been approved by the real estate licensing authority of the jurisdiction where the real estate education provider is located. The course transcript or certificate of completion must state that the course is approved by the licensing authority of the jurisdiction where the real estate education provider is located.

(4) A maximum of four credits will be allowed for each real estate course. A maximum of four credits will be allowed for each area of real estate study listed in paragraph (2).

(5) Courses shall have been completed within 10 years prior to the date of successful completion of the licensing examination.

(6) Two credits will be allowed for each year of active practice the candidate has had as a licensed broker in another state during the 10-year period immediately preceding the submission of the examination application.

(c) A reciprocal licensee who is converting that license to a standard broker's license is exempt from subsection (a) and is only required to pass the state portion of the examination.

§ 35.272. Examination for salesperson's license.

(a) An individual who wants to take the salesperson's examination for the purpose of obtaining a standard salesperson's license shall:

(1) Be 18 years of age or older.

(2) Have successfully completed four credits, or 60 hours of instruction, in basic real estate courses as determined by the Commission under subsection (b).

(3) Submit a completed examination application to the Commission or its designee with the examination fee.

(b) The Commission will apply the following standards in determining whether an examination candidate has met the education requirement of subsection (a)(2):

(1) A candidate who has obtained one of the following degrees will be deemed to have met the education requirement and will not be required to show completion of coursework in specific areas of study:

(i) A bachelor's degree with a major in real estate from an accredited college as defined in § 35.201 (relating to definitions).

(ii) A bachelor's degree from an accredited college as defined in § 35.201, having completed coursework equivalent to a major in real estate.

(iii) A juris doctor degree from an accredited law school.

(2) Credits will be allowed for Real Estate Fundamentals and Real Estate Practice and all acceptable basic real estate courses when offered by:

(i) An accredited college as defined in § 35.201.

(ii) A real estate education provider who has met the approval requirements in § 35.341 (relating to approval of real estate education provider).

(iii) A real estate education provider outside this Commonwealth that has been approved by the real estate licensing authority of the jurisdiction where the real estate education provider is located. The course transcript or certificate of completion must state that the course is approved by the licensing authority of the jurisdiction where the real estate education provider is located.

(3) Courses shall have been completed within 10 years prior to the date of successful completion of the licensing examination.

(c) A licensee who is converting a reciprocal license to a standard salesperson's license is exempt from the requirements in subsections (a) and (b) and is only required to pass the state portion of the examination.

§ 35.273. Examination for cemetery broker's license.

* * * * *

(b) The Commission will apply the following standards in determining whether an examination candidate has met the education requirements of subsection (a)(3):

(1) A candidate who has obtained one of the following degrees will be deemed to have met the education requirement and will not be required to show completion of course work in specific areas of study:

(i) A bachelor's degree with a major in real estate from an accredited college as defined in § 35.201 (relating to definitions).

(ii) A bachelor's degree from an accredited college as defined in § 35.201, having completed course work equivalent to a major in real estate.

(iii) A juris doctor degree from an accredited law school.

(2) Credits will be allowed for Real Estate Fundamentals and Real Estate Practice, cemetery courses and all basic real estate courses when offered by:

(i) An accredited college as defined in § 35.201.

(ii) A real estate education provider who has met the approval requirements in § 35.341 (relating to approval of real estate education provider).

(iii) A real estate education provider outside this Commonwealth that has been approved by the real estate licensing authority of the jurisdiction where the real estate education provider is located. The course transcript or certificate of completion must state that the course is approved by the licensing authority of the jurisdiction where the real estate education provider is located.

(iv) A cemetery association outside this Commonwealth, if the course taught by the cemetery association is equivalent to a course taught by a real estate education provider in this Commonwealth approved by the Commission.

(3) Courses shall have been completed within 10 years prior to the date of successful completion of the licensing examination.

(c) A reciprocal licensee who is converting a reciprocal license to a standard cemetery broker's license is exempt from subsection (a) and is only required to pass the state portion of the examination.

§ 35.275. Examination for rental listing referral agent's license.

(a) An individual who wants to take the salesperson's examination for the purpose of obtaining a standard rental listing referral agent's license shall:

(1) Be 18 years of age or older.

(2) Have successfully completed four credits, or 60 hours of instruction, in basic real estate courses as determined by the Commission under subsection (b).

(3) Submit a completed examination application to the Commission or its designee with the examination fee.

(b) The Commission will apply the following standards in determining whether an examination candidate has met the education requirements of subsection (a)(2):

(1) A candidate who has obtained one of the following degrees will be deemed to have met the education requirement and will not be required to show completion of coursework in specific areas of study:

(i) A bachelor's degree with a major in real estate from an accredited college as defined in § 35.201 (relating to definitions).

(ii) A bachelor's degree from an accredited college as defined in § 35.201, having completed coursework equivalent to a major in real estate.

(iii) A juris doctor degree from an accredited law school.

(2) Credits will be allowed for Real Estate Fundamentals and Real Estate Practice and all acceptable basic real estate courses when offered by:

(i) An accredited college as defined in § 35.201.

(ii) A real estate education provider who has met the approval requirements in § 35.341 (relating to approval of real estate education provider).

(iii) A real estate education provider outside this Commonwealth that has been approved by the real estate licensing authority of the jurisdiction where the real estate education provider is located. The course transcript or certificate of completion must state that the course is approved by the licensing authority of the jurisdiction where the real estate education provider is located.

(3) Courses shall have been completed within 10 years prior to the date of successful completion of the licensing examination.

(c) A reciprocal licensee who is converting a reciprocal license to a standard rental listing referral agent's license is exempt from the requirements in subsections (a) and (b) and is only required to pass the state portion of the examination.

Subchapter E. STANDARDS AND CONDUCT AND PRACTICE

ADVERTISING AND SOLICITATION

§ 35.308. Relationship with educational institution.

A real estate company, franchise or network may promote, endorse or advertise its association, affiliation or connection with a real estate education provider or with an accredited college as defined in § 35.201 (relating to definitions) regarding its offering of real estate instruction. An association, affiliation or connection which includes an ownership interest shall be disclosed in all promotions, endorsements or advertisements. For purposes of this section, an ownership interest will be considered by the Commission to include proprietary or beneficial interests through which the real estate company, franchise or network earns or has the potential to earn income, or which produces a direct or indirect economic benefit.

Subchapter F. REAL ESTATE EDUCATION PROVIDERS

APPROVAL OF REAL ESTATE EDUCATION PROVIDERS

§ 35.341. Approval of real estate education provider.

A real estate education provider shall obtain the Commission's approval before commencing operations in this Commonwealth. To obtain approval from the Commission, the real estate education provider shall:

(1) Be owned by persons who possess good moral character or, if the owner is a corporation, have officers and directors who meet this requirement.

(2) Have a name that is acceptable to the Commission.

(3) Have a director of operations who meets the requirements of § 35.342 (relating to approval of real estate educational director).

(4) Designate a person or entity to serve as custodian of records if the real estate education provider were to terminate operations.

(5) Post a surety bond of \$10,000 to the Commonwealth for the protection of the contractual rights of the real estate education provider's students.

(6) Submit a completed real estate education provider approval application to the Commission with:

(i) A completed real estate education provider owner application with:

(A) A resume of the applicant's experience in owning, administering or teaching in an accredited college as defined in § 35.201 (relating to definitions) or as a real estate education provider.

(B) Two letters of reference from responsible persons relating to the applicant's integrity and to the applicant's previous experience, if any, in the administration of an educational program.

(C) Certified copies of court documents related to a conviction of, or plea of guilty or nolo contendere to, a felony or misdemeanor and the sentence imposed.

(ii) A completed real estate education provider director application with:

(A) Credentials evidencing the qualifications required of the applicant under § 35.342.

(B) Certified copies of court documents related to conviction of, or plea of guilty or nolo contendere to, a felony or misdemeanor and the sentence imposed.

(iii) A fictitious name registration, if the real estate education provider has a fictitious name.

(iv) A copy of the registration documentation approved by the Department's Corporation Bureau, if the real estate education provider is a corporation, limited liability partnership, limited partnership or limited liability company.

(v) A copy of the surety bond required under paragraph (5).

(vi) A copy of the student enrollment agreement.

(vii) A copy of the school transcript.

(viii) A statement of the prerequisites for admission.

(ix) A statement of policy regarding refund of tuition and other fees.

(x) The approval fee prescribed in § 35.203 (relating to fees).

(xi) For the main school location and each proposed satellite location, a sketch or photograph of the real estate education provider's sign.

ADMINISTRATION OF REAL ESTATE EDUCATION PROVIDERS

§ 35.354. Prohibited forms of advertising and solicitation.

(a) A real estate education provider may not:

* * * * *

(3) Hold itself out to be an educational institution that conforms to the standards and requirements prescribed for accredited colleges as defined in § 35.201 (relating to definitions) unless the real estate education provider meets those standards and requirements.

* * * * *

§ 35.359. Course documentation.

(a) *Prelicensure.* Within 30 days after a course has been taught, a real estate education provider shall provide each student in the course with an official course transcript that contains the information in § 35.360(a)(5) (relating to records) and is signed by the director.

(b) *Continuing education.* Within 30 days after a continuing education course has ended, the continuing education provider shall provide each licensee who satisfactorily completed/taught the course transcripts/certificates of instruction that contain the information in § 35.360(a)(5)(i)—(ix) signed by the provider or the director. The transcript/certificate of instruction must be in a format that cannot be altered.

(1) Licensees shall retain the transcripts/certificates of instruction for 2 years following the biennial renewal period during which the courses were taken to renew the license.

(2) Licensees shall provide a copy of the transcripts/certificates of instruction to the Commission verifying completion of the continuing education requirement upon request.

Subchapter H. CONTINUING EDUCATION

§ 35.384. Qualifying courses.

(a) Except as provided in subsection (b), a licensee shall complete 14 hours of continuing education in acceptable courses in a minimum of 2-hour increments.

(b) The Commission may, for a given biennial license period and with adequate notice to standard license holders, require that all or part of the 14 hours be completed in required topics. In addition, during the first biennial period that continuing education is required, a new licensee shall complete the Commission-developed 14-hour required course for new licensees in satisfaction of the continuing education requirement.

* * * * *

§ 35.385. Continuing education providers.

(a) The following providers may offer instruction for continuing education:

(1) An accredited college as defined in § 35.201 (relating to definitions).

(2) A real estate education provider who has met the approval requirements in § 35.341 (relating to approval of real estate education provider).

(3) A real estate education provider outside this Commonwealth that has been approved by the real estate

licensing authority of the jurisdiction where the real estate education provider is located.

(b) Continuing education providers shall comply with the standards for real estate education providers in §§ 35.352(b), 35.353(a), 35.358(a) and 35.359(b).

[Pa.B. Doc. No. 12-2467. Filed for public inspection December 21, 2012, 9:00 a.m.]

STATE BOARD OF PHYSICAL THERAPY

[49 PA. CODE CH. 40]

Act 38 of 2008 Amendments

The State Board of Physical Therapy (Board) amends Chapter 40 to read as set forth in Annex A.

Description and Need for the Rulemaking

The act of July 4, 2008 (P. L. 293, No. 38) (Act 38) substantially amended the Physical Therapy Practice Act (act) (63 P. S. §§ 1301—1313), including qualifications for licensure as a physical therapist, continuing education for physical therapists and physical therapist assistants, professional liability insurance for physical therapists, physician referral and supervision of physical therapist assistants by physical therapists on a basis that may be less than direct on-premises supervision. The extensive nature and breadth of these amendments required that the Board amend its regulations to implement Act 38. The Board amends the regulations to implement the changes from Act 38 and to conform the regulations to current practice.

Summary of Comments and Responses to Proposed Rulemaking

The Board published notice of proposed rulemaking at 41 Pa.B. 4962 (September 17, 2011) with a 30-day public comment period. The Board received comments from the following members of the public: the Pennsylvania Physical Therapy Association (PPTA); the Pennsylvania Health Care Association; the Neuman University Physical Therapy Program; the Philadelphia Consortium of Academic Coordinators of Clinical Education; James Baniewicz, PT; Colleen Chanler, PT; Kevin M. Cooney, PT; Thomas Glumac, PT; Cheryl L. Kramer, PT; Alicia Moran, PTA; Barbara Potena, PT; LaVerne Russell, PT; Terri Russell, PT; and Antoinette Amodi, PT and others including a large group from the Reading Hospital. The Board received comments from the House Professional Licensure Committee (HPLC) and the Independent Regulatory Review Commission (IRRC) as part of their review of proposed rulemaking under the Regulatory Review Act (71 P. S. §§ 745.1—745.12). The Board did not receive comments from the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC).

The HPLC noted that, although Act 38 was effective October 2, 2008, the proposed rulemaking was published on September 17, 2011. IRRC indicated that it would review the Board's response to this comment as part of its determination as to whether the final-form rulemaking is in the public interest. The Board recognizes that section 16 of Act 38 directed the Board to promulgate regulations to implement the amendments to the act within 18 months of the effective date of Act 38 (or by April 2, 2010) and that the Board failed to do so. However, because these types of time frames have been held by the courts of the Commonwealth to be directory, and not mandatory, the Board believes that the fact that it was unable to

complete the regulatory process within 18 months as directed should not be controlling in deciding whether the final-form rulemaking is in the public interest. See, for example, *Commonwealth ex rel. Fortney v. Wozney*, 326 Pa. 494, 497 (1937) (“The provisions of a statute requiring public officers to act within a specified time are generally regarded as directory, unless time is of the essence of the thing to be done, or the statute indicates that the provision is to be regarded as mandatory.”); and *Delaware County v. Department of Public Welfare*, 383 A.2d 240 (Pa. Commonwealth Ct. 1978). The Board began the task of drafting these regulations as soon as Act 38 was passed. The Regulations Committee of the Board met monthly with interested parties and stakeholders for over a year to craft these regulations. Once the Board was satisfied with the draft of the proposed rulemaking, it proceeded through internal departmental/administrative review. The Board was unable to complete the process before the General Assembly adjourned the 2009-2010 session. Early in 2011, the Board was contacted by the Executive Director of the HPLC who identified some policy issues with the proposed rulemaking and asked the Board to consider those issues before publishing the proposed rulemaking. As a result, the Board voted to make additional revisions at its meeting in March 2011. The regulations then continued to be reviewed by the new administration. Ultimately, the proposed rulemaking was delivered and published in September 2011. Much of the delay was not under the Board’s control. For these reasons, the Board believes that the delay should not be considered in evaluating the final-form rulemaking.

The HPLC questioned the Board’s statutory authority to include physical therapy assistant students in the physical therapist to physical therapist assistant supervision ratio of § 40.171(c) (relating to functions of physical therapist assistants), as section 9.1(c)(6) of the act (63 P. S. § 1309.1(c)(6)) specifically limits a physical therapist to supervising no more than three physical therapist assistants. IRRRC also asked this question. The Board believes that it retains the authority to limit the number of students seeking to become certified as physical therapy assistants that a physical therapist may supervise at a given time. However, upon further consideration of the comments, the Board concluded that it is not necessary to include physical therapist assistant students in the ratio. IRRRC suggested that the Board also make clear that the physical therapist providing supervision is licensed. The Board revised § 40.171(c) to refer specifically to a “licensed physical therapist.”

After noting its interest in the Board’s responses to the two comments from the HPLC, IRRRC raised the economic impact of the final-form rulemaking. IRRRC recommended that the Board amend its responses to questions 17, 19, 20 and 21 of the Regulatory Analysis Form to provide cost estimates associated with implementation and compliance with the final-form rulemaking, specifically the continuing education and professional liability insurance requirements and the Board’s review of additional continuing education programs. The obligations to complete continuing education and to maintain professional liability insurance are required under the act. The Board is merely implementing the statutory mandate. The regulated community will incur costs in participating in continuing education and purchasing professional liability insurance. Those costs were not included in evaluating the impact of this final-form rulemaking and should not be considered as a factor in determining whether the final-form rulemaking is in the public interest as it is not the Board’s action in promulgating regulations to implement require-

ments that imposes those costs on the regulated community. The Board determined that the average annual cost to comply with the statutorily mandated continuing education to be approximately \$400 but could be substantially less. Some continuing education activities, such as authoring publications, do not have direct costs. Often, professional associations offer continuing education at a reduced rate to members. As for the costs associated with meeting the professional liability insurance requirements imposed by the act, the Board notes that many physical therapists already maintain professional liability insurance, either personally or through an employer, so the fiscal impact may actually be very small. However, the estimated costs of professional liability insurance in the amount of \$1 million per occurrence or claims made for a physical therapist is estimated at \$500 per year for a full-time physical therapist. The regulatory analysis has been revised to reflect these costs.

The only cost to be imposed as a result of the final-form rulemaking is the cost to continuing education providers to obtain approval of continuing education programs and courses. However, the vast majority of continuing education will be provided by preapproved providers who will not have to incur that cost. As a result, the aggregate cost of continuing education course approval to providers will be minimal. Because the Board will recover its costs of approving continuing education programs and courses through its already set fee, there is not an additional cost to the Board.

IRRC noted that section 9(c) of the act (63 P. S. § 1309(c)) requires a physical therapist certified to treat without a referral to complete continuing education as a condition of certificate renewal. Section 40.63(b) (relating to continuing education for direct access certificateholder) explicitly provides that completion of required continuing education is a condition of certificate renewal for a physical therapist certified to treat without a referral. IRRRC also noted that section 7.2 of the act (63 P. S. § 1307.2) requires a licensed physical therapist to complete continuing education as a condition of license renewal and that section 9.1(j) of the act requires a certified physical therapist assistant to complete continuing education as a condition of certificate renewal. By contrast, however, proposed §§ 40.19 and 40.191 (relating to renewal of physical therapist license; and renewal of certification) did not have these explicit requirements. Because it is concerned that these sections do not provide direct notice that would increase clarity and help avoid licensee failures, IRRRC recommended that these sections be amended to clearly state that the Board will not renew without completion of continuing education. The Board revised § 40.19(c)(5) to provide that the Board will not renew a license if the physical therapist has not completed the required continuing education and § 40.191(c)(5) to provide that the Board will not renew the certificate if the physical therapist assistant has not completed the required continuing education.

The Board proposed to amend § 40.11 (relating to educational requirements for licensure by examination) to require an applicant to have graduated from a physical therapy program accredited by the Commission on Accreditation in Physical Therapy Education (CAPTE) or “another National organization recognized by the Board that accredits physical therapy programs.” IRRRC questioned what was meant by this phrase and how an applicant would be able to identify an organization. Currently, CAPTE is the only accreditation agency recognized by the United States Department of Education and the Council for Higher Education Accreditation to accredit

entry-level physical therapist and physical therapist assistant education programs. The Board included the additional language to allow for development of other accrediting organizations. If there are organizations and the Board recognizes them, it will identify those organizations on the Board's web site and in its application instructions.

Because § 40.12(b) (relating to application for licensure) requires an applicant to "apply on forms supplied by the Board," IRRC next questioned whether those forms are available online and, if so, suggested that the web address be included in the subsection. The forms are available on the Boards web site at www.dos.state.pa.us/physther. Because the web address has changed in the past and may very likely be changed again, the Board did not include it in this subsection.

IRRC noted that section 6(i)(2) of the act (63 P.S. § 1306(i)(2)) requires an applicant who has been educated outside the United States to "provide proof of holding an unrestricted license in the country where the applicant was educated" and questioned whether the deletion of § 40.17(3) (relating to foreign-educated physical therapists applying to take the licensure examination and pursue a clinical experience) is consistent with the act. Section 40.17(3) provides that an applicant shall provide written documentation of authorization to practice as a physical therapist without limitations in the country where the professional education took place. In drafting the proposed rulemaking, the Board wanted to allow for applicants who fully completed training in a foreign country and then came to the United States prior to becoming licensed or otherwise authorized to practice in that country. In doing so, the Board overlooked section 6(i)(2) of the act. The Board did not delete § 40.17(3) and did not renumber this section. IRRC further noted that section 6(i)(3) of the act requires an applicant who has been educated outside of the United States to provide satisfactory evidence that the applicant's education is substantially equivalent to the education of physical therapists educated in an accredited program approved by the Board. This section further provides that, as an alternative to graduation from a program accredited by the same accrediting agency approved by the Board, the applicant shall: (1) show graduation from a physical therapist education program that prepares the applicant to engage without restriction in the practice of physical therapy; (2) provide written proof that the applicant's school of physical therapy is recognized by its own ministry of education; (3) undergo a credentials evaluation as directed by the Board to determine that the candidate has met uniform criteria for education requirements; and (4) complete additional education as required by the Board. IRRC suggested that the Board review § 40.17 for consistency with section 6(i)(3) of the act. The regulations address substantially equivalent foreign education in § 40.17(5). The Board revised paragraph (5) to provide that the applicant shall show substantial equivalence by either showing that the education program is accredited as provided in § 40.11(a) or securing a credentials evaluation. Without satisfying the requirements of § 40.17(2) that the program prepares the applicant to engage without restriction in the practice of physical therapy and is recognized by the authorizing agency or entity of the jurisdiction, the program cannot be accredited by CAPTE. With this revision, § 40.17 is consistent with section 6(i) of the act. Notwithstanding this revision, very few applicants will be able to take advantage of it. CAPTE currently accredits two physical therapist education programs in Ontario and one program in Scotland.

IRRC noted that § 40.191(j) provides that a physical therapist assistant who provides services after the certificate has expired but before it has been reactivated is subject to disciplinary action under section 9.1(d) and (f) of the act. IRRC suggested that a similar provision be included for physical therapists. The Board added § 40.20(f) (relating to inactive status of physical therapist license) to provide analogously that a licensed physical therapist who has not renewed the license may not practice until the license is reactivated and that one who does so is subject to disciplinary action under sections 4(a) and 11(6) of the act (63 P.S. §§ 1304(a) and 1311(6)). In considering this comment, the Board also realized that § 40.20(d), which imposes a late fee upon reactivation for a licensee who has practiced while the license was inactive, is not sufficiently clear regarding those who did not practice. The Board amended this subsection to provide that an applicant for reactivation will not be assessed a late fee for prior renewal periods during which the licensee did not practice. An analogous provision for physical therapist assistants is in § 40.191(h). In reviewing this comment, the Board also reconsidered proposed § 40.20(e) pertaining to reactivation of a license that has been inactive for more than 5 years. Upon further consideration, the Board concluded that requiring practice in another jurisdiction throughout the entire 5-year period immediately preceding application for reactivation, as the only alternative to passing the licensure examination anew, is excessively onerous. Instead, the Board reduced that requirement to practice for 36 months of the prior 5 years. The Board also added § 40.191(k) to provide an analogous standard for a physical therapist assistant seeking to reactivate after 5 years.

Previously, physical therapists who were certified to treat patients without a referral had been required to complete at least 20 hours of continuing education during each renewal cycle. Act 38 amended the act to require licensed physical therapists to complete at least 30 hours of continuing education during each renewal cycle. The Board proposed requiring physical therapists to complete continuing education during the January 1, 2011, through December 31, 2012, renewal cycle and would have amended § 40.63(b) to reflect this increased number of hours. However, to provide greater clarity, the Board provided that during renewal periods prior to January 1, 2013, a direct access holder would only need to complete 20, not 30, hours. Because the proposed rulemaking was not published until September 2011, IRRC suggested revising this date. The Board revised § 40.63(b) to provide that the increased number of hours of continuing education does not apply to direct access certificateholders prior to January 1, 2013, and revised § 40.67(a) (relating to continuing education for licensed physical therapist) to provide that the continuing education requirement for physical therapists begins January 1, 2013. Licensed physical therapists and certified physical therapist assistants will need to complete required continuing education during the January 1, 2013, through December 31, 2014, renewal cycle as a condition for renewal for the January 1, 2015, through December 31, 2016, renewal cycle.

In discussing this provision, the Board noticed that, although § 40.63(b) exempts new direct access certificateholders from the continuing education requirement prior to the first renewal of the certificate of authorization, the Board had not previously considered when the continuing education requirement begins for new licensed physical therapists or new certified physical therapist assistants. Because a licensee has adequately

demonstrated competence to practice by passing the licensure examination and becoming licensed and that competence is generally not lost during the period (of up to 2 years) prior to first renewal, licensing boards in the Bureau of Professional and Occupational Affairs have typically exempted licensees from the continuing education requirement during the biennial renewal cycle in which the licensee was first licensed. Accordingly, the Board added § 40.67(a)(5) and § 40.192(a)(5) (relating to continuing education for certified physical therapist assistant) to exempt newly licensed physical therapists and newly certified physical therapist assistants, respectively, from the continuing education requirement during the biennium in which first licensed or certified.

Proposed § 40.67(a)(4) addressed a request for a waiver of the continuing education requirement based upon physical disability or illness or undue hardship. IRRC noted that this paragraph provided that a waiver “will not be granted unless a written request is submitted by the licensee; or in case of physical disability or illness, by a physician . . . , or both,” and questioned under what circumstances the physician would submit the request for waiver. This provision and its analog for physical therapist assistants in § 40.192(a)(4) were poorly drafted. Although the Board recognizes that a request for a waiver might be made by someone else (such as a family member or person with power of attorney), the Board intended that a physician provide only the documentation to support the physical disability or illness. Accordingly, the Board revised these paragraphs to provide that a waiver will not be granted “unless a written request is submitted by or on behalf of the [applicant for waiver]. In case of physical disability or illness, the request must include supporting documentation provided by a physician” and deleted the references to “or both.” The Board similarly revised § 40.63(g) for waiver requests from direct access certificateholders.

IRRC pointed to a commentator who expressed concern with the requirement of § 40.67(b)(1) that proof of completion of continuing education consist of a certificate of completion, because at a recent program the American Physical Therapy Association (APTA) did not issue a certificate of completion. The Board notes that APTA, a preapproved provider, will later issue a certificate of completion upon request. Notwithstanding, to make the requirements clearer, in addition to beginning this provision with “in general,” the Board revised § 40.67(b)(1) and the analogous § 40.191(b)(1) for physical therapist assistants to provide that the proof completion must consist of a certificate of completion “or other documentation” issued by the course or program provider.

IRRC expressed concern about the waiver provisions of §§ 40.67(d)(2) and 40.192(d)(2) that permit a continuing education provider to apply for approval less than 60 days before the course or program is presented. The Board notes that this is the existing practice for continuing education providers for direct access certificateholders and that it has not experienced complaints of certificateholders who have said that they were not treated fairly by providers who advertised the course prior to receiving approval. Notwithstanding this history, the Board does not want to unnecessarily encourage providers to wait until the last minute to apply for approval. Therefore, the Board deleted the waiver provision from these sections. In further considering the continuing education provider approval process, the Board realized that §§ 40.67(d)(2)(ii) and 40.192(d)(2)(ii) contained redundancies for multiple offering and multiple locations of a course and revised them accordingly.

In addressing IRRC’s comment about an applicant trained in a foreign educational program accredited by CAPTE, the Board reviewed the provisions for preapproved providers of continuing education who are accredited by CAPTE. During this discussion, the Board noted that the correct term used by CAPTE is a “physical therapist educational program” and not a “physical therapy program.” Sections 40.67(d)(1)(i)(C) and 40.192(d)(1)(i)(C) were revised accordingly. The Board revised these provisions to make clear that both physical therapists and physical therapist assistants may obtain continuing education provided by either physical therapist or physical therapist assistant educational programs. While reviewing the preapproved providers and comparing requirements for physical therapists in § 40.67 and for physical therapist assistants in § 40.192, the Board noted that it preapproved the American Heart Association and the Red Cross only in § 40.192(a)(1)(i)(D) for the purpose of providing their educational programs in identifying and responding to emergency health conditions because the Board requires this continuing education for physical therapist assistants only. However, although not required, this type of continuing education is also appropriate for physical therapists. Therefore, the Board added § 40.67(d)(1)(i)(D) to include these organizations for this purpose.

IRRC questioned the Board’s inclusion of continuing competence activities to complete the continuing education requirement. Section 7.2 of the act requires licensed physical therapist to complete “continuing physical therapy education as approved by the board” as a condition of renewal and section 9.1(j) of the act requires certified physical therapist assistants to complete “continuing physical therapy education as approved by the board in accordance with standards and criteria established by the board by regulation.” Except for the prohibition against credit for courses in office management or practice building for licensed physical therapists, the act does not provide further indication of what is acceptable continuing education. As noted in proposed §§ 40.67(e) and 40.192(e), continuing education is a structured process of education beyond professional entry-level education that is applicable to the practice of physical therapy and is designed or intended to support the continuous development of physical therapists and to maintain and enhance their professional competence. Because the purpose of mandatory continuing education is to assure that licensees remain competent to practice, the Board views continuing competence activity as a form of continuing education. As proposed in §§ 40.68(a)(3) and 40.193(a)(3), the Board would be guided in approving continuing competence activities by, among other principles, the belief that a physical therapist or physical therapist assistant should have a wide variety of activities available to demonstrate competence. Allowing licensed physical therapists and certified physical therapist assistants to satisfy the continuing education requirement in part in this manner serves the purpose of the act’s continuing education requirement and is consistent with the language and other provisions of the act. Notwithstanding the Board’s view that it does have authority to do so, the Board concluded that it should not, at this time, promulgate regulations authorizing continuing education credit for continuing competence activities. Accordingly, the Board has withdrawn §§ 40.68 and 40.193.

In proposing to allow for continuing education credit through continuing competence, the Board consolidated under that topic continuing education activities that were not traditional courses or programs of continuing education. Although obviously of longer term than traditional

continuing education programs or courses, residencies, fellowships and advanced specialty credentialing programs are provided through specific providers and have traditionally been considered as continuing education. Because these programs are by definition credentialed by APTA and the Board preapproved continuing education programs provided by APTA, the Board determined that APTA-credentialed programs should be included as preapproved providers for those specific activities. The Board added to the list of preapproved providers in § 40.67(d)(1)(e)—(g) organizations credentialed by APTA to confer a fellowship in a specialty area, those organization credentialed by APTA to offer a residency program and those organizations credentialed by APTA for specialty certification, respectively. These activities were proposed in § 40.68(c)(1)—(3) as continuing competence. Because these programs typically extend over a period of time, the Board generally considered how it should address continuing education courses and programs that extend beyond a single biennial renewal cycle. The Board determined that for consistency and ease of administration, it should follow the completion date of the course or program and award credit for the biennial renewal period in which the course or program was finally completed and added §§ 40.67(c)(6) and 40.192(c)(6) to do so. Because credit will be available as continuing education from a preapproved provider, the Board has not provided for continuing education credit to be available for becoming an APTA-recognized credentialed clinical instructor or instructor trainer as provided in proposed §§ 40.68(c)(6) and 40.193(c)(6) or for a physical therapist assistant receiving advanced proficiency designation from APTA as provided in proposed § 40.193(c)(1).

Continuing education credit has traditionally been available for authoring various publications relevant to professional practice. Because it has deleted continuing competence activities, the Board revised proposed §§ 40.67(c) and 40.192(c) to allow continuing education credit for authoring publications and replaced proposed §§ 40.67(e) and 40.192(e) to set the appropriate standards. Sections 40.67(e)(1) and 40.192(e)(1) set up the process by providing that the physical therapist or physical therapist assistant must apply to the Board for credit before the end of the renewal period and provide all necessary supporting documentation. Under §§ 40.67(e)(2) and 40.192(e)(2), the amount of credit will be 1 contact hour for each hour spent in research or writing, subject to maximum credit limitations for specific types of authorship. Sections 40.67(e)(3) and 40.192(e)(3) authorize up to 15 contact hours of credit for authoring or editing a book, up to 10 contact hours for authoring or editing a chapter of a book, up to 10 contact hours for authoring or reviewing a peer-reviewed article and up to 5 contact hours for authoring a non-peer-reviewed article in a physical therapy publication. Finally, §§ 40.67(e)(4) and 40.192(e)(4) provide that credit will be awarded only for the biennial renewal period in which the publication was published.

Regarding § 40.162 (relating to application for certification), IRRC questioned why the Board would require a physical therapist assistant applicant over 18 years of age but not yet 20 years of age to prove the capability to accept and handle the responsibilities appurtenant to certification, when section 9.1(a)(4) of the act merely requires an applicant to be “at least 18 years of age unless otherwise determined by the board.” Until reduced to 18 years of age by Act 38, the act required an applicant to be at least 20 years of age unless otherwise determined by the Board. Section 40.162(a)(1) formerly required an

applicant to be “at least 20 years of age unless otherwise determined by the Board that the candidate has proved the capability to accept and handle the responsibilities appurtenant to registration.” Upon further consideration, the Board concluded that few applicants would complete the 2-year post-high school education prior to reaching 20 years of age. To be consistent with the act, the Board amended § 40.162(1) to replace 20 years of age with 18 years of age.

Proposed §§ 40.165(b)(3) and 40.166(b)(5) (relating to authorization to provide services as a physical therapist assistant under indirect supervision; and temporary certificate to provide services as a physical therapist assistant) provided that the Board will grant the application if the applicant meets certain criteria and “otherwise complies with this subchapter.” Unless that standard is clarified, IRRC suggested deleting these paragraphs. The Board intended these provisions to avoid being obliged to grant the application when there are grounds for denial separate from qualifications, such as a prior criminal or disciplinary record. To set this standard, the Board deleted those paragraphs and revised subsection (b) to clarify that it will grant the application of an applicant meeting the criteria “unless there are grounds to deny the application under § 40.181 (relating to refusal, suspension or revocation of certification).”

In proposed § 40.19(b), the Board included the provision that the failure of the Board to send renewal notices does not relieve the licensed physical therapist of the obligation to renew. Although the Board had not proposed an analogous provision for a certified physical therapist assistant, IRRC recommended doing so in § 40.191(b). The Board revised § 40.191(b) to additionally provide: “Failure of the Board to send or of the certified physical therapist assistant to receive a biennial renewal application does not relieve the certified physical therapist assistant of the biennial renewal responsibility.”

IRRC further noted that the Board incorrectly referred to “license renewal” rather than “certificate renewal” in § 40.191(c). The Board has corrected this in the final-form rulemaking. Because other jurisdictions may call the appropriate credential by a variety of names, IRRC suggested that the Board revise § 40.191(c)(2) to not be limited to licenses that shall be disclosed upon renewal. The Board revised this provision to require a physical therapist assistant applying for renewal of the certificate to disclose a license, “certificate, registration or other authorization” to provide services as a physical therapist assistant in another jurisdiction. In reviewing this comment, the Board realized that § 40.191(h) mistakenly referred to certificate renewal rather than reactivation and revised this subsection to correctly refer to an applicant for reactivation, rather than for renewal. Similarly, the Board realized that it had not corrected all references of a physical therapist assistant practicing, rather than providing, services as a physical therapist assistant. The Board revised § 40.191(c), (d), (e) and (i) to correct this oversight.

Some commentators objected to the required continuing education as imposing an unnecessary burden on health care costs. Because the requirement to complete continuing education is imposed by the act, the Board is obligated to implement it.

An individual commentator inquired how often the Board meets to be able to review and approve continuing education programs and courses in a more timely manner. As it has been doing with continuing education for direct

access certificateholders, the Board will utilize a committee of Board members to review applications for course approvals without regard to the Board meeting schedule. An appeal taken from the committee's decision would be considered by the full Board.

An individual commentator objected to the requirement of § 40.173(c)(1) (relating to supervision of physical therapist assistant by licensed physical therapist), which provides that when care is delivered in an inpatient rehabilitation center or long-term acute care hospital setting, the physical therapist assistant shall be under the direct on-premises supervision of a licensed physical therapist because that setting has the greatest availability of other care when needed. By contrast, the least alternative care is available for home health care under § 40.173(c)(6), which provides that for home health care, a licensed physical therapist shall make an onsite visit and actively participate in the treatment of the patient at least every seven patient visits or every 14 days, whichever occurs first. PPTA correctly pointed out a typographical error in the proposed preamble that stated that physical therapist involvement was required every 17 days. The Board notes that if a physical therapist assistant makes multiple visits with a patient in a single day, each of those visits count as a separate visit under Medicare. However, the Board does not view that as sufficient reason to require the licensed physical therapist to make more frequent onsite visits to actively participate in the treatment of the patient. Accordingly, the Board provided that multiple visits on a single day count only as a single patient visit for purposes of determining whether the licensed physical therapist is required to make an onsite visit. The commentator also objected to imposing the same level of required continuing education on physical therapist assistants as on physical therapists, despite the differential in pay. The commentator objected to the heightened number of hours of required continuing education compared to some other states and the resultant financial impact on licensees. The commentator objected to excluding office management and practice building from continuing education. Because these standards are in the act, the Board is required to implement them.

Another individual commentator suggested that to streamline the process the Board should permit continuing education providers other than those identified as preapproved under proposed § 40.67(d)(1)(i) or § 40.192(d)(1)(i) to be considered approved if separately approved in another jurisdiction. Because the standards in other jurisdictions vary, the Board is not able to rely upon approval from another jurisdiction. Because the vast majority of continuing education will be provided by the identified preapproved providers, the Board does not believe that the overall process would be substantially streamlined.

PPTA noted that the Federation of State Boards of Physical Therapy, which administers the National licensure examination, is shifting to fixed-date testing administered approximately five times each year. As a result, applicants who fail would be disadvantaged by § 40.14(a) (relating to examination; failure; reexamination), which provides that an applicant may retake the examination after 60 days but within 1 year, by not being able to sit for the next administration of the examination. Because the requirement to wait 60 days is set by section 6(c) of the act, the Board cannot reduce the waiting period. The Board notes that this is a reduction from the current waiting period of 6 months.

PPTA suggested that proposed § 40.67(a)(1) should require that the 30 contact hours of continuing education

include at least 10 contact hours in evaluative procedures as is required under § 40.63(b) for direct access certificateholders. As part of standard physical therapy practice, physical therapists perform patient evaluations and re-evaluation on a regular basis. Evaluative procedures are taught as part of prelicensure education programs and are included within the definition of "physical therapy" in section 2 of the act (63 P. S. § 1302). Because imposing this requirement would be overly prescriptive and effectively force many licensees into being direct access certificateholders, the Board chose not to do so. However, the Board revised §§ 40.67(a)(1) and 40.192(a)(1) to require at least 2 hours in law and ethics applicable to the profession.

PPTA noted that proposed § 40.173(d) construed the emergency situations for supervision under section 9.1(i) of the act to apply to certified physical therapist assistants and not just to those who are authorized under section 9.1(c)(4) of the act and § 40.165 to provide services under less than direct on-premises supervision. PPTA objected that a broad interpretation would permit even the most newly licensed physical therapist who is not authorized to provide services under indirect supervision to become the sole provider of physical therapy services without supervision in situations when the physical therapist is away due to an emergency. PPTA suggested that, in the interest of patient protection, the Board should reverse this construction. The Board agreed with PPTA and revised § 40.173(d) to limit the application of section 9.1(i) of the act only to practice by a physical therapist assistant who is authorized to provide services under indirect supervision in those instances where the supervising physical therapist is absent due to an unanticipated emergency.

Other public comments have been included in the previously stated responses.

Additionally, while reviewing the comments, the Board noted that, although it had proposed amending § 40.5 (relating to fees) to delete the fees for athletic trainers because athletic trainers are no longer regulated by the Board, it did not propose to amend Subchapter D (relating to child abuse reporting requirements) to delete references to athletic trainers. In the final-form rulemaking, the Board amends §§ 40.202—40.205 and 40.207 to delete the references to athletic trainers.

Fiscal Impact and Paperwork Requirements

The requirement to complete 30 hours of continuing education will result in increased costs and paperwork requirements for licensed physical therapists and physical therapist assistants. The requirement to maintain professional liability insurance will result in increased costs and paperwork requirements for those physical therapists that are not direct access certificateholders who have been required to carry insurance since 2005. The final-form rulemaking will not have adverse fiscal impact on the Commonwealth or its political subdivisions and will not impose additional paperwork requirements upon the Commonwealth, political subdivisions or the private sector.

Effective Date

The final-form rulemaking will become effective upon publication in the *Pennsylvania Bulletin*.

Statutory Authority

The final-form rulemaking is authorized under section 3(a) of the act (63 P. S. § 1303(a)) and section 16 of Act 38.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on September 6, 2011, the Board submitted a copy of the notice of proposed rulemaking, published at 40 Pa.B. 4962, to IRRC and the Chairpersons of the HPLC and the SCP/PLC for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC, the HPLC and the SCP/PLC were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing the final-form rulemaking, the Board has considered all comments from IRRC, the HPLC, the SCP/PLC and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on November 14, 2012, the final-form rulemaking was deemed approved by the HPLC and the SCP/PLC. Under section 5.1(e) of the Regulatory Review Act, IRRC met on November 15, 2012, and approved the final-form rulemaking.

Additional Information

Persons who require additional information about the final-form rulemaking should submit inquiries to Regulatory Unit Counsel, Department of State, P. O. Box 2649, Harrisburg, PA 17105-2649, (717) 783-7134, st-physical@pa.gov.

Findings

The Board finds that:

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) and regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law and the comments were considered.

(3) The amendments to this final-form rulemaking do not enlarge the scope of proposed rulemaking published at 41 Pa.B. 4962.

(4) The final-form rulemaking adopted by this order is necessary and appropriate for the administration of the act.

Order

The Board, acting under its authorizing statute, orders that:

(a) The regulations of the Board, 49 Pa. Code Chapter 40 are amended by adding §§ 40.19, 40.20, 40.67, 40.69, 40.165, 40.166, 40.173, and 40.192; deleting § 40.62; and amending §§ 40.1, 40.5, 40.11, 40.12, 40.14, 40.17, 40.53, 40.61, 40.63, 40.152, 40.161—40.164, 40.171, 40.181, 40.191, 40.202—40.205 and 40.207 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(*Editor's Note:* Sections 40.202—40.205 and 40.207 were not included in the proposed rulemaking published at 40 Pa.B. 4962.)

(*Editor's Note:* Proposed §§ 40.68 and 40.193 included in the proposed rulemaking published at 40 Pa.B. 4962 have been withdrawn by the Board.)

(b) The Board shall submit this order and Annex A to the Office of Attorney General and the Office of General Counsel for approval as required by law.

(c) The Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(d) The final-form rulemaking shall take effect upon publication in the *Pennsylvania Bulletin*.

SUSAN L. WHITNEY, PT,
Chairperson

(*Editor's Note:* For the text of the order of the Independent Regulatory Review Commission relating to this document, see 42 Pa.B. 7364 (December 1, 2012).)

Fiscal Note: Fiscal Note 16A-6514 remains valid for the final adoption of the subject regulations.

Annex A**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS****PART I. DEPARTMENT OF STATE****Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS****CHAPTER 40. STATE BOARD OF PHYSICAL THERAPY****Subchapter A. PHYSICAL THERAPISTS****GENERAL PROVISIONS****§ 40.1. Definitions.**

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

APTA—The American Physical Therapy Association.

Act—The Physical Therapy Practice Act (63 P. S. §§ 1301—1313).

Board—The State Board of Physical Therapy.

CAPTE—The Commission on Accreditation in Physical Therapy Education.

Contact hour—A unit of measure equaling 60 minutes of participation in an approved continuing education course or program. For courses taken through an academic institution, a semester credit is equal to 15 contact hours.

Direct on-premises supervision—The physical presence of a licensed physical therapist in the facility, including affiliated buildings in immediate proximity, who is immediately available to exercise supervision, direction and control.

FSBPT—The Federation of State Boards of Physical Therapy.

Physical therapist—A person licensed under the act and this chapter to provide physical therapy services without restriction in this Commonwealth.

Supportive personnel—Persons other than physical therapist assistants who aid and assist a physical therapist but whose activities do not require the formal education or knowledge of a physical therapist or physical therapist assistant. The term does not include secretarial, administrative and other personnel who are not involved in direct patient care.

§ 40.5. Fees.

The following fees are charged by the Board:

Physical therapist:

| | |
|--|------|
| Application for licensure by examination/ endorsement | \$30 |
| Application for licensure through foreign training ... | \$45 |
| Verification of licensure or temporary permit | \$15 |

| | |
|--|------|
| Certification of examination scores or licensure | \$25 |
| Temporary license | \$15 |
| Biennial renewal | \$90 |
| Application for Certificate to Practice Physical Therapy without a referral | \$30 |
| Biennial renewal of Certificate to Practice Physical Therapy without a referral | \$45 |
| Application for approval of continuing education provider or program (per each course offered) | \$40 |
| Application for reactivation of inactive license | \$30 |
| <i>Physical therapist assistant:</i> | |
| Initial application for certification by exam or endorsement | \$30 |
| Certification of exam scores or certification | \$25 |
| Biennial renewal of certification | \$45 |
| Verification of certification | \$15 |
| Initial application for certification to provide services under indirect supervision | \$30 |
| Application for temporary certification | \$15 |
| Application for reactivation of inactive certificate | \$30 |

LICENSURE

§ 40.11. Educational requirements for licensure by examination.

(a) Except as provided in § 40.17 (relating to foreign-educated physical therapists applying to take the licensure examination and pursue a clinical experience), an applicant for license by examination shall have graduated from a physical therapy program accredited by CAPTE or by another National organization recognized by the Board that accredits physical therapy programs.

(b) An applicant completing the professional study of physical therapy after 2002 shall hold a minimum of a master's degree in physical therapy from a regionally accredited institution of higher education. An applicant completing the professional study of physical therapy between January 1, 1967, and December 31, 2002, shall hold a minimum of either:

(1) A baccalaureate degree in physical therapy from a regionally accredited institution of higher education.

(2) A baccalaureate degree from a regionally accredited institution of higher education and a post-baccalaureate certificate in physical therapy.

§ 40.12. Application for licensure.

(a) Evidence, satisfactory to the Board, shall be submitted indicating that the applicant:

(1) Is at least 20 years of age, unless otherwise waived upon application to and review by the Board.

(2) Is of good moral character.

(3) Is not addicted to the habitual use of alcohol, narcotics or other habit forming drugs.

(4) Has met the professional requirements in § 40.11 (relating to educational requirements for licensure by examination).

(b) The applicant shall apply on forms supplied by the Board, answer all questions fully and provide all documentation required under subsection (a).

(c) The applicant shall pay the fee in § 40.5 (relating to fees) for application for physical therapist licensure by examination/endorsement.

§ 40.14. Examination; failure; reexamination.

(a) Applicants shall successfully pass, to the satisfaction of the Board, the examination approved by the Board. In cases of failure at the first examination, the applicant shall have, after the expiration of 60 days and within 1 year from the date of the first failure, the privilege of a second examination, with the payment of an additional examination fee charged by the vendor.

(b) After a second or successive failure to pass the examination, an applicant desiring to take a third or successive examination shall make a new application within the meaning of section 5 of the act (63 P.S. § 1305) within 6 months from the date of the last failure. However, prior to filing a new application for examination, the Board may require evidence of additional training. If the Board determines that the applicant will be permitted to take a third or successive examination, the Board may authorize in connection with a written examination an oral or practical examination, or both, to test the knowledge and competence of the applicant.

(c) The granting of permission by the Board to take a third or successive examination is at all times subject to the applicant otherwise qualifying under the requirements in force at the time permission to take the examination is sought.

(d) An applicant may not take the examination more than three times in a consecutive 12-month period.

§ 40.17. Foreign-educated physical therapists applying to take the licensure examination and pursue a clinical experience.

To be eligible to take the examination for licensure, foreign-educated applicants for licensure shall comply with the following conditions:

(1) The applicant shall submit evidence, satisfactory to the Board, indicating that the applicant has met the requirements in § 40.12(a)(1)–(3) and (b) (relating to application for licensure) and pay the fee in § 40.5 (relating to fees) for application for physical therapist licensure through foreign training.

(2) The applicant shall provide written documentation that the applicant has graduated from a physical therapist education program that prepares the applicant to engage without restriction in the practice of physical therapy and that the school of physical therapy is recognized by the authorizing agency or entity of the jurisdiction in which the school is situated.

(3) The applicant shall provide written documentation of authorization to practice as a physical therapist without limitations in the country where the professional education took place.

(4) The applicant shall provide documentation of legal authorization to seek employment in the United States or its territories.

(5) The applicant shall provide satisfactory evidence that the applicant's education is substantially equivalent to the education of physical therapists educated in an accredited program as set forth in § 40.11 (relating to educational requirements for licensure by examination) by either showing that the education program is accredited as provided in § 40.11(a) or securing a credentials evaluation from a recognized and accredited evaluation agency approved by the Board. If the applicant's educa-

tion was completed before 1998, the credentials evaluation must demonstrate that the applicant has met the requirement of at least 120 semester credit hours of which at least 42 credit hours must be in general education subjects and 69 credit hours must be in professional education subjects. If the applicant's education was completed in 1998 or later, credentials evaluation must demonstrate that the applicant has met the requirements of at least 150 semester hours of which at least 60 credit hours must be in general education subjects and 90 credit hours must be in professional education subjects. If an applicant has deficiencies in general education or professional education, the applicant can correct the deficiencies as follows:

(i) *General education.* A minimum of one semester course shall be successfully completed in each of the following areas of general education unless otherwise noted:

(A) Humanities.

(B) Physical science (two courses each in chemistry and physics including laboratory sessions).

(C) Biological science.

(D) Social science.

(E) Behavioral science.

(F) Mathematics.

(ii) *Professional education.* The applicant shall complete 69 credit hours of professional education the content of which includes:

(A) Basic health science including:

(I) Human anatomy (specific to physical therapy).

(II) Human physiology (specific to physical therapy).

(III) Neuroscience.

(IV) Kinesiology or functional anatomy.

(V) Pathology.

(B) Medical and clinical science coursework including the following:

(I) Clinical medicine pertinent to physical therapy including:

(-a-) Neurology.

(-b-) Orthopedics.

(-c-) Pediatrics.

(-d-) Geriatrics.

(-e-) Cardiopulmonary.

(-f-) Pharmacology.

(II) Physical therapist coursework must include:

(-a-) Examination, evaluation and intervention pertaining to the integumentary system.

(-b-) Examination, evaluation and intervention pertaining to the musculoskeletal system.

(-c-) Examination, evaluation and intervention pertaining to the neuromuscular system.

(-d-) Examination, evaluation and intervention pertaining to the cardiopulmonary system.

(iii) *Clinical education.* Clinical education shall include physical therapist-supervised application of physical therapy theory, examination, evaluation and intervention. The applicant shall have a minimum of two full-time clinical internships of at least 800 hours total, which are

supervised by a physical therapist. The maximum number of full-time clinical education credits is 23.

(iv) *Related professional coursework.* Content is required in the following nine areas:

(A) Professional behaviors.

(B) Administration.

(C) Community health.

(D) Research and clinical decision making.

(E) Educational techniques.

(F) Medical terminology.

(G) Communication (related to client/patient care).

(H) Legal and ethical aspects of physical therapy practice.

(I) Psychosocial aspects in physical therapy practice.

(6) *General educational deficiencies.* The applicant may correct general educational deficiencies in the areas specified in paragraph (5)(i) by either:

(A) Pursuing studies in an accredited college or university. Upon completion of studies, the applicant shall submit an official transcript to the Board.

(B) Attaining college credit through successful completion of the following examinations offered by the College Level Examination Program (CLEP). No more than 30 credits may be obtained through CLEP.

(I) The CLEP General Examination may be used to satisfy the requirements in paragraph (5)(i) for credit hours if passing scores are received in the following subjects:

| <i>General Examination</i> | <i>College Level Credit</i> |
|--------------------------------|-----------------------------|
| English Composition with Essay | 6 |
| Mathematics | 3 |
| Humanities | 6 |
| Natural Sciences | |
| Biological Sciences (subscore) | 3 |
| Physical Sciences (subscore) | 3 |
| Social Sciences | 6 |

(II) The CLEP Subject Examination may be used to satisfy the requirements in paragraph (5) for credit hours if passing scores are received in the following subjects:

| <i>Subject Examination</i> | <i>College Level Credit</i> |
|---|-----------------------------|
| Analysis and Interpretation of Literature | 3 |
| College Algebra | 3 |
| English Literature | 3 |
| Foreign Language | |
| French—Levels I and II | 6 |
| German—Levels I and II | 6 |
| Spanish—Levels I and II | 6 |
| Freshman English | 3 |
| English Composition | 4 |
| General Biology | 3 |
| General Chemistry | 3 |
| General Psychology | 2 |
| Human Growth & Development | 2 |

| <i>Subject Examination</i> | <i>College Level Credit</i> |
|----------------------------|-----------------------------|
| Introduction to Management | 2 |
| Introduction to Sociology | 2 |
| Statistics | 2 |
| Trigonometry | 2 |
| Western Civilization | 3 |

(III) The applicant is responsible for directing that CLEP report his examination scores to the Board.

(7) *Clinical experience.* The applicant may correct a deficiency in clinical experience by obtaining, at the Board's discretion, up to 1 year of supervised clinical experience in the United States, as approved by the Board.

(i) To apply for approved supervised clinical experience the applicant shall:

(A) Submit a notarized application signed by the sponsoring physical therapist who will supervise the applicant in the institution in which the applicant will be pursuing the clinical experience.

(B) Arrange for and have a personal interview with a member of the Board and have the application forms signed and approved by the Board member.

(C) Submit a passport-size photograph for the purpose of identification. The applicant and a sponsor shall both sign either the photograph or the paper on which the photograph is mounted.

(ii) The applicant may obtain the required clinical experience while pursuing studies to correct educational deficiencies in the areas specified in paragraph (5).

(iii) The applicant shall submit a letter from the supervising physical therapist in the institution where the supervised clinical experience was completed, certifying the applicant's clinical competence.

§ 40.19. Renewal of physical therapist license.

(a) A license issued under this subchapter expires on December 31 of each even-numbered year unless renewed for the next biennium.

(b) If a licensee's mailing address changes, the licensee shall notify the Board in writing within 10 days thereafter. Notice of renewal will be forwarded to the licensee's last known address on file with the Board. Failure of the Board to send or of the licensee to receive a biennial renewal application does not relieve the licensee of the biennial renewal responsibility.

(c) A licensee applying for biennial license renewal shall:

(1) Complete and submit the renewal application, including payment of the biennial renewal fee in § 40.5 (relating to fees) for application for biennial renewal of physical therapist license.

(2) Disclose any license to practice as a physical therapist in another state, territory, possession or country.

(3) Disclose any disciplinary action pending before the appropriate healthcare licensing authority in any other jurisdiction or taken since the most recent application for renewal, whether or not licensed to practice in that other jurisdiction.

(4) Disclose any pending criminal charges and any finding or verdict of guilt, admission of guilt, plea of nolo contendere or other criminal conviction since the most recent application for renewal.

(5) Verify that the licensee has complied with the continuing education requirements mandated by section 7.2 of the act (63 P.S. § 1307.2) during the biennial period immediately preceding the period for which renewal is sought in accordance with § 40.67 (relating to continuing education for licensed physical therapist). The Board will not renew a license if the licensee has not completed the continuing education required under section 7.2 of the act during the biennial period immediately preceding the period for which renewal is sought.

(6) Verify that, if practicing as a physical therapist in this Commonwealth, the licensee maintains professional liability insurance coverage in accordance with section 9(b)(4) of the act (63 P.S. § 1309(b)(4)) and § 40.69 (relating to professional liability insurance).

§ 40.20. Inactive status of physical therapist license.

(a) A physical therapist license will become inactive upon either of the following:

(1) The licensee in writing affirmatively requests the Board to place licensure on inactive status. Written confirmation of inactive status will be forwarded to the licensee.

(2) The licensee fails to renew the license by the expiration of the renewal period.

(b) A physical therapist whose license has expired or been placed on inactive status may not practice as a physical therapist in this Commonwealth until the license has been reactivated.

(c) To reactivate an inactive license, the licensee shall apply on forms supplied by the Board, answering all questions fully. The licensee shall:

(1) Include the documentation required under § 40.67(b) (relating to continuing education for licensed physical therapist) for the immediately preceding biennium, which may be completed during the current biennium. Unless waived by the Board under § 40.67(a)(4), the Board will not reactivate a license until the required continuing education for the preceding biennium has been successfully completed.

(2) Pay the current renewal fee and the reactivation application fee specified in § 40.5 (relating to fees).

(3) Verify that the licensee did not practice as a physical therapist in this Commonwealth while the license was inactive.

(d) A licensee who does not make the verification required under subsection (c)(3) shall also pay prior biennial renewal fees and late fees as required under this subsection. Unless previously paid, the licensee shall pay the renewal fee for each biennial renewal period after the license became inactive and during which the licensee practiced as a physical therapist in this Commonwealth. The licensee shall also pay a late fee of \$5 per month or part of the month from the first date the licensee practiced as a physical therapist in this Commonwealth after the license became inactive until the date the licensee files a fully-completed reactivation application. The applicant for license reactivation will not be assessed a fee or penalty for preceding biennial periods in which the licensee did not engage in practice as a physical therapist in this Commonwealth. Payment of a late fee does not preclude the Board from taking disciplinary action for practicing as a physical therapist without a current license.

(e) In addition to the other requirements of this section, a licensee whose license has been inactive for 5 years or more shall demonstrate current competence to practice as a physical therapist by at least one of the following:

(1) Successful completion of the licensure examination required under § 40.13 (relating to areas of examination) and section 6(b) of the act (63 P. S. § 1306(b)).

(2) Satisfaction of the requirements of § 40.16 (relating to licensure by endorsement) and proof of licensed practice of physical therapy in one or more other jurisdictions of the United States or Canada for at least 36 months of the 5 years immediately preceding application for reactivation.

(f) A licensee who has not renewed the license may not practice the profession in this Commonwealth until the license has been renewed or reactivated. A licensee who practices the profession in this Commonwealth after the license has expired and before it has been renewed or reactivated is subject to disciplinary action under sections 4(a) and 11(6) of the act (63 P. S. §§ 1304(a) and 1311(6)) as set forth in § 40.52(11) (relating to unprofessional conduct; physical therapists). A licensee who has engaged in practice during a period in which the license was not active may be subject to criminal prosecution under section 12 of the act (63 P. S. § 1312).

SCOPE OF PRACTICE

§ 40.53. Nondelegable activities; accountability.

* * * *

(b) A physical therapist may not assign or delegate to physical therapist assistants or supportive personnel functions which require the formal education or training and the skill and knowledge of a licensed physical therapist, including the following functions:

- (1) Interpretation of referrals.
- (2) Initial patient contact and initial evaluation or reevaluation.

* * * *

PRACTICE WITHOUT REFERRAL

§ 40.61. Certificate of authorization to practice physical therapy without a referral.

(a) An applicant for certification of authorization to practice physical therapy without a referral of a licensed physician shall submit evidence satisfactory to the Board, on forms supplied by the Board, that the applicant has met the following requirements:

(1) Holds a current license to practice physical therapy in this Commonwealth.

(2) Has done one of the following:

(i) Passed the National Physical Therapy Examination (NPTE) after January 1, 1990.

(ii) Passed the NPTE prior to January 1, 1990, and successfully completed, within 2 years prior to application, a Board approved course consisting of at least 10 hours on the appropriate evaluative and screening procedures to determine the need for further examination or consultation by a physician, dentist or podiatrist prior to initiating treatment without a referral. The Board will maintain a list of currently approved courses.

(3) Has done one of the following:

(i) Practiced physical therapy in the delivery of patient care on a continuous basis for at least 2 years immediately preceding the application for certificate of authorization.

(ii) Been licensed by endorsement and practiced physical therapy in the delivery of patient care as a licensed physical therapist in the other state on a continuous basis for at least 2 years immediately preceding the application for certificate of authorization.

(iii) Provided proof of meeting these practice requirements through any combination of subparagraphs (i) and (ii).

(iv) For purposes of this section, "practice of physical therapy on a continuous basis" is defined as a minimum of 200 hours each year in the delivery of direct patient care.

(4) Has obtained professional liability insurance under the requirements of § 40.69 (relating to professional liability insurance).

(b) A certificateholder shall display the certificate of authorization in a manner conspicuous to the public.

(c) A certificateholder may not delegate the care of a patient being treated without a referral to a physical therapist who is not a certificateholder.

(d) A certificateholder shall refer patients to a licensed physician or other appropriate health care practitioner in the following cases:

(1) Cases where symptoms are present for which physical therapy is a contraindication.

(2) Cases for which treatment is outside the scope of practice of physical therapy.

(3) Cases for which treatment is beyond the education, expertise or experience of the physical therapist.

(e) A certificateholder may treat an individual without a referral as provided in this chapter for up to 30 calendar days from the date of the first treatment. A physical therapist may not treat an individual beyond 30 days from the date of the first treatment unless the individual has obtained a referral from a licensed physician, a licensed physician assistant practicing under a written agreement, a certified registered nurse practitioner practicing under a collaborative agreement, a licensed dentist for the treatment of a condition that is within the scope of practice of dentistry or a licensed podiatrist for the treatment of a condition that is within the scope of practice of podiatry. The date of the first treatment for purposes of this subsection is the date the person is treated by any physical therapist treating without a referral.

(f) A certificateholder may not treat a condition in an individual which is a nonneurologic, nonmuscular or nonskeletal condition or treat an individual who has an acute cardiac or acute pulmonary condition unless the certificateholder has consulted with the individual's licensed physician, dentist or podiatrist regarding the individual's condition and the physical therapy treatment plan or has referred the individual to a licensed physician, dentist or podiatrist for diagnosis and referral.

§ 40.62. (Reserved).

§ 40.63. Continuing education for direct access certificateholder.

(a) *Definitions.* The following word, when used in this section, has the following meaning, unless the context clearly indicates otherwise:

Certificateholder—A licensed physical therapist who holds a certificate of authorization to practice physical therapy without a referral.

(b) *Continuing education requirement for renewal of certificate of authorization.* Beginning after the first renewal of the certificate of authorization, as a condition of certificate renewal, a physical therapist shall have completed during the preceding biennium a minimum of 30 contact hours of physical therapy continuing education related to keeping the certificateholder apprised of advancements and new developments in the practice of the physical therapy profession. At least 10 of the 30 contact hours shall be in evaluative procedures to treat a person without a referral. During renewal periods prior to January 1, 2013, a direct access certificateholder need complete only 20 hours of continuing education, including at least 10 hours in evaluative procedures.

* * * * *

(g) *Waivers; exemptions for continuing education.* The Board may, in individual cases involving physical disability or illness, or undue hardship, grant a waiver of the continuing education requirements or grant an extension of time to complete the requirements. A waiver or extension of time will not be granted unless a written request is submitted by or on behalf of the licensee. In case of physical disability or illness, the request must include supporting documentation provided by a physician licensed in this Commonwealth or another state or territory of the United States or the District of Columbia and whose license is in good standing. Necessary documentation must be received by the Board no later than 90 days preceding the biennial renewal. If the physical disability or illness or undue hardship for which the waiver has been granted continues beyond the period of the waiver, the licensee shall reapply for an extension of the waiver. The Board may, as a condition of any waiver granted, require the licensee to make up all or part of the continuing education waived.

(h) *Preapproved sponsors.* In addition to sponsors whose specific courses and programs are approved, the Board finds the following entities have currently met the standards for approved courses and programs. Accordingly, courses or programs that otherwise meet all requirements for required continuing education are approved when offered by the following sponsors:

- (1) APTA and its components.
- (2) FSBPT and its jurisdictions.
- (3) Graduate education programs accredited by CAPTE.
- (4) Postentry level doctorate of physical therapy programs in an academic institution accredited by a regional accrediting organization recognized by the Council of Regional Accrediting Commissions on behalf of the Council for Higher Education Accreditation.

(i) *General continuing education requirement.* Hours of continuing education applied to satisfy the requirement of this section may also be applied to satisfy the requirement of § 40.67 (relating to continuing education for licensed physical therapist). Satisfaction of the continuing education requirement in this section will be deemed to establish satisfaction of the continuing education requirement in § 40.67.

CONTINUING EDUCATION

§ 40.67. Continuing education for licensed physical therapist.

(a) *Contact hour requirements.* Beginning with the January 1, 2013–December 31, 2014 biennial renewal period, a licensed physical therapist shall satisfy the following continuing education requirements.

(1) During each biennial renewal period, a licensee shall complete qualifying continuing education equal to at least 30 contact hours of continuing physical therapy education, including at least 2 contact hours in law or ethics applicable to the practice of physical therapy.

(2) Except as permitted in § 40.20(c)(1) (relating to inactive status of physical therapist license), paragraph (4) or as directed by the Board, continuing education may satisfy the requirement of paragraph (1) only for the biennium during which it was completed. A contact hour of continuing education may not be used to satisfy the requirement of paragraph (1) for more than 1 biennium.

(3) Unless otherwise excused by the act or this subchapter, failure to complete the minimum required amount of continuing education during the applicable renewal period as required under section 7.2 of the act (63 P.S. § 1307.2) and this section will subject the licensee to disciplinary action under section 11(a)(6) of the act (63 P.S. § 1311(a)(6)) as provided in § 40.52(11) (relating to unprofessional conduct; physical therapists).

(4) The Board may, in individual cases involving physical disability or illness, or undue hardship, grant a waiver of the continuing education requirements or grant an extension of time to complete the requirements. A waiver or extension of time will not be granted unless a written request is submitted by or on behalf of the licensee. In case of physical disability or illness, the request must include supporting documentation provided by a physician licensed in this Commonwealth or another state or territory of the United States or the District of Columbia and whose license is in good standing. The necessary documentation must be received by the Board no later than 90 days preceding the biennial renewal. If the physical disability or illness or undue hardship for which the waiver has been granted continues beyond the period of the waiver, the licensee shall reapply for an extension of the waiver. The Board may, as a condition of a waiver granted, require the licensee to make up all or part of the continuing education involved.

(5) A licensee is not required to complete continuing education during the biennial renewal cycle in which the licensee was first licensed.

(b) *Reporting completion of continuing education.* Continuing education shall be reported and documented in the following manner.

(1) In general, proof of completion of a course or program of continuing education must consist of a certificate of completion or other documentation issued by the course or program provider, including:

- (i) The name of the participant.
- (ii) The name of the provider.
- (iii) The date or dates of the course or program.
- (iv) The name of the course and any Board issued approval number of the course or program.
- (v) The number of contact hours of continuing education or academic credit.

(2) A licensee shall retain proof of completion of continuing education for 5 years after completion of the continuing education or after the completion of the renewal period during which the continuing education was required or applied, whichever is later.

(3) The Board will audit licensees to verify compliance with continuing education requirements. A licensee shall fully respond to an audit notice within 30 days or other time period allowed in the notice.

(c) *Credit for approved continuing education.* Credit for continuing education will be determined in accordance with the following.

(1) Credit for continuing education will be granted only for courses or programs offered by providers preapproved under subsection (d)(1) or approved by the Board under subsection (d)(2) or for authoring publications as authorized under subsection (e).

(2) Unless limited by this section, continuing education credit may be earned in a course or program or authoring a publication relating to any of the following:

(i) Subject matter falling within the definition of "physical therapy" in section 2 of the act (63 P. S. § 1302).

(ii) Subject matter that is part of training necessary to qualify one for licensure as a physical therapist or certification of authority to practice physical therapy without a referral.

(iii) Law or ethics applicable to the practice of physical therapy.

(iv) Subject matter that otherwise keeps the licensee apprised of advancements and new developments in the practice of the profession of physical therapy.

(3) Continuing education credit may not be earned in a course in office management or practice building.

(4) A licensee may not receive credit more than once in a given renewal period for repetition of courses or programs with substantially similar content and objectives.

(5) A licensee teaching a course or program of continuing education may receive the same credit that a licensee attending the course or program would receive and may also receive credit for time spent in preparation. Credit for time spent in preparation may not exceed the credit available for a licensee attending the course or program.

(6) If a course or program extends beyond a single biennial renewal period, credit will be awarded in the period in which the course or program is finally completed.

(d) *Approval of continuing education courses and programs.* Continuing education courses and programs may be approved in accordance with this subsection.

(1) Provided that the course or program otherwise meets the requirements of subsection (c)(2) and the provider issues to each attending licensee a certificate of completion record in accordance with subsection (b)(1), a course or program of continuing education from a provider preapproved under this paragraph is approved by the Board.

(i) The following providers are preapproved:

(A) APTA or its components.

(B) FSBPT and its jurisdictions.

(C) A physical therapist or physical therapist assistant educational program accredited by CAPTE.

(D) The American Heart Association and the American Red Cross and their component organizations, only for purposes of providing continuing education in identifying and responding to emergency health conditions.

(E) An organization credentialed by APTA to confer a fellowship in a specialty, only for purposes of conferring the fellowship.

(F) An organization credentialed by APTA to offer a residency program, only for purposes of the residency program.

(G) The American Board of Physical Therapy Specialization or its successor organization, only for specialty certification.

(ii) Any other provider seeking preapproved provider status shall:

(A) Apply to the Board on forms supplied by the Board.

(B) Pay the required fee.

(C) Demonstrate that the provider is competent to provide continuing education to physical therapists without direct review by the Board.

(iii) The Board may terminate preapproved provider status if the provider, including the providers in subparagraph (i), is no longer able to demonstrate that it is competent to provide continuing education to physical therapists without direct review by the Board. The Board will audit preapproved providers to assure that the provider complies with the requirements of this paragraph and paragraph (3).

(iv) The Board will maintain a list of preapproved providers and make the list publicly available.

(2) A continuing education course or program offered by a provider not preapproved under paragraph (1) may be approved as provided in this paragraph.

(i) The provider shall apply at least 60 days prior to the date the continuing education course or program is scheduled to take place on forms provided by the Board and fully provide the information required on the application forms for the Board to fulfill its duties under this section. The application shall be submitted to the Board with payment of the fee as required under § 40.5 (relating to fees).

(ii) The provider shall apply for approval of each course or program of continuing education, which may include multiple presentations of the course or program at one or more locations. Unless approved by the Board, a significant change in content or use of instructors other than those described in the application for approval is a separate course or program for which Board approval is required.

(iii) The Board may deny approval of a course or program of continuing education when the provider has previously failed or is not currently able to comply with the provider responsibilities of paragraph (3) or the course or program does not qualify under subsection (c)(1). The Board may approve in part and deny in part an application for approval of a course or program. The Board may deny an application for approval that does not comply with the act or this chapter.

(iv) The Board may terminate its prior approval of a course or program of continuing education when the applicant made one or more false or misleading material statements on the application. The Board may also terminate in part or in whole its prior approval of a course or program when it is later determined that the

Board has grounds to deny approval in accordance with this section. Termination of approval will not forfeit credit for a course or program completed prior to termination of approval.

(v) The Board will maintain a list of approved courses and programs in a form accessible to licensees and the public.

(vi) If the provider has not separately sought approval under this paragraph, a licensee attending the course or program may apply for approval of a course or program of continuing education in accordance with this paragraph. The licensee shall apply for approval prior to attending the course or program. The Board may waive the requirements in paragraph (3) when a licensee attending a course or program applies for approval.

(3) For each course or program of continuing education, the provider shall:

(i) Disclose in advance to prospective attendees the objectives, content, teaching method and the number of hours of continuing education credit approved by the Board.

(ii) Provide physical facilities adequate for the number of anticipated participants and the teaching methods to be used.

(iii) Provide accurate instructional materials.

(iv) Utilize qualified instructors who are knowledgeable in the subject matter.

(v) Evaluate the course or program through the use of questionnaires of the participants and instructors.

(vi) Issue a certificate of completion to each participant.

(vii) Retain attendance records, written outlines and a summary of evaluations for 5 years.

(e) *Authoring publications.* A licensed physical therapist may earn continuing education credit for authoring publications as provided in this subsection.

(1) Prior to the end of the biennial renewal period for which credit is sought, the licensed physical therapist shall apply to the Board on forms provided by the Board and submit the documentation necessary to establish entitlement to credit.

(2) Subject to the limitations of paragraph (3), 1 contact hour of continuing education credit will be awarded for each hour spent in research or writing. Credit will not be awarded if the total research and writing time was less than 1 hour.

(3) Within the subject matter limitations of subsection (c), a licensed physical therapist may earn credit for authoring a publication as follows:

(i) Authoring or editing a book, not to exceed 15 contact hours.

(ii) Authoring or editing a chapter of a book, not to exceed 10 contact hours.

(iii) Authoring or reviewing a published peer-reviewed article, not to exceed 10 contact hours.

(iv) Authoring a non-peer-reviewed article published in a physical therapy publication, not to exceed 5 contact hours.

(4) Credit for authoring a publication will be awarded only for the biennial renewal period in which it was published.

PROFESSIONAL LIABILITY INSURANCE

§ 40.69. Professional liability insurance.

(a) *Professional liability insurance requirements.* As required under section 9.1(b)(4) of the act (63 P.S. § 1309.1(b)(4)), a licensed physical therapist shall maintain professional liability insurance in the minimum amount of \$1 million per occurrence or claims made as a condition of practicing as a physical therapist in this Commonwealth. Coverage may be provided through:

(1) A self-insurance plan that meets the standards and procedures established by the Insurance Department in 31 Pa. Code Chapter 243 (relating to medical malpractice and health-related self-insurance plans).

(2) Personally purchased professional liability insurance.

(3) Professional liability insurance, coverage provided by the licensee's employer.

(4) A similar type of coverage.

(b) *Proof of professional liability insurance coverage.* Proof of professional liability insurance coverage must include a certificate of insurance or copy of the declaration page from the insurance policy setting forth the effective date, expiration date and dollar amounts of coverage. A license that was issued in reliance upon a letter from the applicant's insurance carrier indicating that the applicant will be covered against professional liability effective upon the issuance of the applicant's license as permitted under section 9.1(b)(4)(iii.2) of the act will become inactive as a matter of law 30 days after issuance of the license if the licensee has not provided proof of professional liability insurance coverage and will remain inactive until the licensee provides proof of insurance coverage.

(c) *Disciplinary action.* Failure to maintain insurance coverage as required will subject the licensee to disciplinary action under section 11(a)(6) of the act (63 P.S. § 1311(a)(6)) as provided in § 40.52(11) (relating to unprofessional conduct; physical therapists).

Subchapter C. PHYSICAL THERAPIST ASSISTANTS

GENERAL PROVISIONS

§ 40.152. Definitions.

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

Act—The Physical Therapy Practice Act (63 P.S. §§ 1301—1313).

Indirect supervision—Supervision of a physical therapist assistant by a licensed physical therapist that is not direct on-premises supervision, as authorized under section 9.1(c) of the act (63 P.S. § 1309.1(c)) and this subchapter, including § 40.173 (relating to supervision of physical therapist assistant by licensed physical therapist).

Physical therapist assistant—A person who has been certified in accordance with the act and this subchapter to provide services as a physical therapist assistant.

Physical Therapist Assistant Certification Examination—An examination adopted by the Board and administered in accordance with section 812.1 of The Administrative Code of 1929 (71 P.S. § 279.3a). The term also includes an examination administered by another state,

territory or the District of Columbia if it is the same examination adopted by the Board.

Physical therapy independent private practice outpatient facility—

(i) A practice owned and operated by a licensee under the act, or by a licensee under the act and a healthcare practitioner, licensed by the Commonwealth, as permitted by law.

(ii) This term does not include a practice owned or affiliated with a hospital or healthcare system.

CERTIFICATION

§ 40.161. Certification as physical therapist assistants; practice; exceptions.

(a) A person may not perform or hold himself out as being able to perform as a physical therapist assistant in this Commonwealth unless the person is certified by the Board under section 9.1 of the act (63 P. S. § 1309.1) and this subchapter or exempted under this section.

(b) A person or business entity may not use in connection with a business name or activity the words “physical therapist assistant,” the letters “P.T.A.” or similar words and related abbreviations to imply that physical therapist assistant services are being provided, unless the services are provided by a physical therapist assistant certified under the act and this subchapter.

(c) This subchapter does not prohibit physical therapist assistant students from assisting a physical therapist licensed to practice without restriction in this Commonwealth under the direct on-premises supervision of the physical therapist as is incidental to their course of study in a program which has been approved for the education and training for physical therapist assistants by the Commission on Accreditation in Physical Therapy Education (CAPTE).

(d) Physical therapist assistants shall identify themselves to patients as physical therapist assistants.

§ 40.162. Application for certification.

(a) The applicant shall submit evidence satisfactory to the Board, on forms supplied by the Board, that the applicant has met the following criteria. The applicant:

(1) Is at least 18 years of age, unless otherwise determined by the Board that the candidate has proved the capability to accept and handle the responsibilities appurtenant to certification.

(2) Is of good moral character.

(3) Is not addicted to the habitual use of alcohol, narcotics or other habit-forming drugs.

(4) Has met the professional requirements for certification under § 40.163 (relating to requirements for certification).

(b) An applicant for certification issued by the Board shall apprise the Board of the following:

(1) A license, certificate, registration or other authorization to practice a profession issued, denied or limited by another state, territory or possession of the United States, a branch of the Federal government or another country.

(2) Disciplinary action instituted against the applicant by a licensing authority of another state, territory or possession of the United States, a branch of the Federal government or another country.

(3) A finding or verdict of guilt, an admission of guilt or a plea of nolo contendere to a felony offense or an offense involving moral turpitude.

(c) The reporting responsibilities enumerated in subsection (b) continue after the Board issues a certification. If, after the Board has issued a certification, one or more events listed under subsection (b)(1) and (2) occur, the certified physical therapist assistant shall report that matter to the Board in writing on the biennial renewal application or within 90 days of its occurrence, whichever occurs sooner. The certified physical therapist assistant shall report an event occurring under subsection (b)(3) within 30 days of occurrence.

§ 40.163. Requirements for certification.

(a) Under section 9.1(a) of the act (63 P. S. § 1309.1(a)), an applicant for certification by examination shall submit evidence of the following:

(1) Graduation from a physical therapist assistant program which has been approved for the education and training for physical therapist assistants by the Commission on Accreditation in Physical Therapy Education (CAPTE).

(2) A passing grade on the physical therapist assistant certification examination.

(b) Under section 6(d.1) of the act (63 P. S. § 1306(d.1)), an applicant for reciprocal certification shall submit evidence of a valid license, certificate or registration as a physical therapist assistant issued by another state, territory or the District of Columbia, where the requirements for licensure, certification or registration were on the date of issuance substantially the same as those required by this Commonwealth, and which accords similar privileges to persons certified as physical therapist assistants in this Commonwealth.

§ 40.164. Physical therapist assistant certification examination.

(a) *Application procedure.* An applicant applying for certification by examination shall take the physical therapist assistant certification examination. The applicant who is taking the examination within this Commonwealth shall comply with the following:

(1) The applicant shall complete application forms for admission to the examination obtained from the Board and return the completed form with a check or money order for the appropriate fee.

(2) The applicant shall present the required credentials of professional education at the time of application.

(b) *Failure and reexamination.* In the case of failure of examination, the following apply:

(1) After failing the first examination, the applicant has, after the expiration of 6 months and within 2 years of the date of the first failure, the privilege of a second examination upon the filing of a new application under subsection (a) and upon payment of the appropriate fee.

(2) After a second or successive failure to pass the examination, an applicant desiring to take a third or successive examination shall file a new application. The Board may require evidence of additional training prior to allowing a candidate to take a third or successive examination.

(3) The granting of permission to take a third or successive examination is subject to:

(i) Authorization by the Board at its discretion to include an oral or practical examination, or both, in

connection with the written examination to further test the knowledge, skills and competence of the applicant.

(ii) The applicant otherwise qualifying under requirements in force at the time that permission to take the examination is sought.

§ 40.165. Authorization to provide services as a physical therapist assistant under indirect supervision.

(a) An applicant for a certificate of authority to provide services as a physical therapist assistant under indirect supervision by a licensed physical therapist shall submit to the Board on forms supplied by the Board a completed application, including all necessary supporting documents, and pay the fee in § 40.5 (relating to fees) for initial application for certification to provide services under indirect supervision.

(b) Unless there are grounds to deny the application under § 40.181 (relating to refusal, suspension or revocation of certification), the Board will grant a certificate of authority as described in this section to an applicant who:

(1) Demonstrates that the applicant satisfies the requirements of §§ 40.161—40.164.

(2) Demonstrates that the applicant satisfies the requirements of section 9.1(c)(4) of the act (63 P.S. § 1309.1(c)(4)) for certification to provide services as a physical therapist assistant under indirect supervision of a licensed physical therapist by either verifying that the applicant:

(i) Has at least 2,000 hours of experience providing patient-related acts and services under the supervision of one or more licensed physical therapists, as verified by those physical therapists.

(ii) Worked as a physical therapist assistant for at least 3 years between October 2, 2003, and October 2, 2008, the 5-year period immediately preceding the effective date of section 9.1(c)(4) of the act, and providing a detailed resume or other adequate documentation to corroborate the verification. Part-time work will be acceptable if it is at least equivalent to 3 years of full-time work.

§ 40.166. Temporary certificate to provide services as a physical therapist assistant.

(a) An applicant for a temporary certificate to provide services as a physical therapist assistant under section 9.1(a.1) of the act (63 P.S. § 1309.1(a.1)) shall apply to the Board on forms provided by the Board including all necessary supporting documents and pay the fee in § 40.5 (relating to fees) for application for temporary certificate to provide services as a physical therapist assistant.

(b) Unless there are grounds to deny the application under § 40.181 (relating to refusal, suspension or revocation of certification), the Board will grant a temporary certificate as described in this section to an applicant who:

(1) Demonstrates that the applicant satisfies the requirements of §§ 40.161—40.164 except the certification examination requirement in § 40.163(a)(2) (relating to requirements for certification).

(2) Has applied for certification to provide services as a physical therapist assistant in accordance with §§ 40.161—40.164 or § 40.165.

(3) Has not previously sat for the certification examination.

(4) Has not previously received a temporary certificate under this section.

(c) The Board may rescind a temporary certificate issued under this section if the Board determines that the certificate was issued based upon fraudulent information, such as the applicant's identity or educational, criminal, or professional or occupational licensure record.

(d) A temporary certificate issued under this section will expire upon the earlier of failing the certification examination or 6 months after issuance. A temporary certificate issued under this section will become void upon issuance of a certificate to provide services as a physical therapist assistant under §§ 40.161—40.165.

(e) A temporary certificate may not be renewed or extended beyond its expiration. The holder of a temporary certificate shall return the certificate to the Board within 10 days after its expiration.

(f) The holder of a temporary certificate may provide services as a physical therapist assistant only under the direct on-premises supervision of a licensed physical therapist.

SCOPE OF ACTIVITIES

§ 40.171. Functions of physical therapist assistants.

(a) A physical therapist assistant may perform only activities for which the physical therapist assistant has received formal education and training, including the following activities:

(1) Providing patient-care services as specified in the patient's plan of care.

(2) Modifying treatment techniques as indicated in the patient's plan of care.

(3) Responding to acute changes in the patient's physiological state.

(4) Performing selected tests and measurements consistent with the physical therapist assistant's formal education and training.

(b) Physical therapist assistants may not interpret referrals or tests, perform evaluation procedures, initiate treatment programs, assume responsibility for planning patient care or perform activities which require the formal education or training and the skill and knowledge of a licensed physical therapist.

(c) Patient care services performed by a physical therapist assistant under the supervision of a licensed physical therapist shall be on the basis of not more than three physical therapist assistants for a licensed physical therapist.

(d) The initial patient contact shall be made by a licensed physical therapist for evaluation of the patient and establishment of a plan of care.

§ 40.173. Supervision of physical therapist assistant by licensed physical therapist.

(a) *General rule.* A physical therapist assistant may provide patient care services only under the supervision of a licensed physical therapist. Except as otherwise provided in the act or this subchapter, a physical therapist assistant may provide patient care services only under the direct on-premises supervision of a licensed physical therapist.

(b) *Supervision generally.* The required level of supervision depends upon the following factors:

(1) The performance of selected acts and services by the physical therapist assistant is the responsibility of the licensed physical therapist at all times.

(2) Supervision shall be based upon the following:

(i) The complexity and acuity of the patient's needs.

(ii) The proximity and accessibility of the licensed physical therapist to the certified physical therapist assistant.

(iii) The amount of supervision available in the event of an emergency or critical event.

(iv) The type of practice setting in which the service is provided.

(3) The supervising licensed physical therapist may determine and require that the physical therapist assistant provide services under greater supervision than would otherwise appear to be required under section 9.1(c)(3) of the act (63 P. S. § 1309.1(c)(3)) or this section, including requiring that the physical therapist assistant provide services under direct on-premises supervision.

(c) *Practice setting.* A physical therapist assistant holding a current certificate of authority to provide services under indirect supervision may do so in accordance with this section and section 9.1(c) of the act.

(1) When care is delivered to an individual in an acute care hospital, acute inpatient rehabilitation center, long-term acute care hospital setting or as otherwise required by Federal or State law or regulation, the physical therapist assistant shall be under the direct on-premises supervision of a licensed physical therapist.

(2) When care is provided to an individual in a preschool, primary school, secondary school or other similar educational setting, a licensed physical therapist shall make an onsite visit and examine the patient at least every four patient visits or every 30 days, whichever occurs first.

(3) When care is provided to an individual in an early intervention setting, a licensed physical therapist shall make an onsite visit and examine the patient at least every four patient visits or every 30 days, whichever occurs first.

(4) When care is provided to a patient in a physical therapy independent private practice outpatient facility, a licensed physical therapist shall provide direct on-premises supervision for a physical therapist assistant for at least 50% of the hours worked by the physical therapist assistant during the calendar week unless otherwise required under Federal law. The physical therapist shall be immediately available by telecommunication when not providing direct on-premises supervision.

(5) When care is provided to a patient in an outpatient facility of a practice owned or affiliated with a hospital or healthcare system, a licensed physical therapist shall provide direct on-premises supervision for a physical therapist assistant for at least 50% of the hours worked by the physical therapist assistant during the calendar week unless otherwise required under Federal law. The physical therapist shall be immediately available by telecommunication if not providing direct on-premises supervision.

(6) For home health care, a licensed physical therapist shall make an onsite visit and actively participate in the treatment of the patient at least every seven patient

visits or every 14 days, whichever occurs first. For purposes of this paragraph, active participation includes examination of the patient. Multiple visits on a single date constitute only a single patient visit in determining whether the licensed physical therapist is required to make an onsite visit.

(7) For care provided in a long-term care nursing facility, skilled nursing facility or extended care facility, a licensed physical therapist shall make an onsite visit and actively participate in the treatment of the patient at least every seven patient visits or every 14 days, whichever occurs first. For purposes of this paragraph, active participation includes examination of the patient. Multiple visits on a single date constitute only a single patient visit in determining whether the licensed physical therapist is required to make an onsite visit.

(d) *Emergency situations.* The emergency situation provisions of section 9.1(i) of the act apply only to those current certified physical therapist assistants who are authorized by the Board under section 9.1(c)(4) of the act and § 40.165 (relating to authorization to provide services as a physical therapist assistant under indirect supervision) to provide services under supervision of a licensed physical therapist other than direct on-premises supervision.

DISCIPLINE

§ 40.181. Refusal, suspension or revocation of certification.

(a) Under section 9.1(f) of the act (63 P. S. § 1309.1(f)), the Board may refuse, suspend or revoke the certification of a person who has:

(1) Performed physical therapist assistant functions outside the scope of activities under § 40.171 (relating to functions of physical therapist assistants).

(2) Attempted to obtain or obtained registration by fraud or misrepresentation.

(3) Committed an act of gross negligence, or gross incompetence or repeated acts of negligence or incompetence in the providing of physical therapist assistant services.

(4) Been convicted of a felony or of a misdemeanor which relates to the person's suitability for registration as a physical therapist assistant in a Federal, state, territorial or foreign court of competent jurisdiction. Conviction as used in this paragraph includes a finding, or verdict of guilt, an admission of guilt or a plea of nolo contendere.

(5) Become addicted to alcohol or hallucinogenic, narcotic or other drugs which tend to impair judgment or coordination.

(6) Been found guilty of unprofessional conduct, which includes departure from or failure to conform to the minimal standards of acceptable and prevailing practice for physical therapist assistants in which proceeding actual injury to a patient need not be established.

(7) Been adjudged mentally incompetent by a court of competent jurisdiction.

(8) Had a certificate, license or registration to practice as a physical therapist assistant revoked, suspended or refused or otherwise been subjected to other disciplinary action taken by another state, territory or country or by the District of Columbia.

(9) Made misleading, deceptive, untrue or fraudulent representations in violation of the act or otherwise in the rendering of physical therapist assistant services.

(10) Provided services as a physical therapist assistant under indirect supervision without having a current certificate of authorization to practice under indirect supervision issued under § 40.165 (relating to authorization to provide services as a physical therapist assistant under indirect supervision).

(11) Provided services as a physical therapist assistant under indirect supervision other than as authorized by section 9.1(c) of the act and § 40.173 (relating to supervision of physical therapist assistant by licensed physical therapist).

(b) Actions taken by the Board regarding the refusal, suspension or revocation of a registration are taken subject to the right of notice, hearing and adjudication, and the right of appeal therefrom under 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law).

MAINTENANCE OF CERTIFICATION

§ 40.191. Renewal of certification.

(a) A certification issued under this subchapter expires on December 31 of every even-numbered year unless renewed for the next biennium.

(b) Biennial renewal forms and other forms and literature to be distributed by the Board will be forwarded to the last mailing address given to the Board by the certified physical therapist assistant. The certified physical therapist assistant shall notify the Board in writing within 10 days after making an address change. Failure of the Board to send or of the certified physical therapist assistant to receive a biennial renewal application does not relieve the certified physical therapist assistant of the biennial renewal responsibility.

(c) To retain the right to provide services as a physical therapist assistant, the certified physical therapist assistant's certification shall be renewed by the certified physical therapist assistant in the manner prescribed by the Board, and the required fee shall be paid by the certified physical therapist assistant prior to the expiration of the next biennium. A certified physical therapist assistant applying for biennial certificate renewal shall:

(1) Complete and submit the renewal application, including payment of the biennial renewal fee in § 40.5 (relating to fees) for application for biennial renewal of physical therapist assistant certificate.

(2) Disclose any license, certificate, registration or other authorization to provide services as a physical therapist assistant in another state, territory, possession or country.

(3) Disclose any disciplinary action pending before the appropriate healthcare licensing authority in any other jurisdiction or taken since the most recent application for renewal, whether or not licensed, registered or certified to practice in that other jurisdiction.

(4) Disclose any pending criminal charges and any finding or verdict of guilt, admission of guilt, plea of nolo contendere or other criminal conviction since the most recent application for renewal.

(5) Verify that the certified physical therapist assistant has complied with the continuing education requirements mandated by section 9.1(j) of the act (63 P. S. § 1309.1(j)) during the biennial period immediately preceding the period for which renewal is sought in accordance with § 40.192 (relating to continuing education for certified physical therapist assistant). The Board will not renew a physical therapist assistant certification if the certified

physical therapist assistant has not completed the continuing education required under section 9.1(j) of the act during the biennial period immediately preceding the period for which renewal is sought.

(d) When a certification is renewed beyond December 31 of an even-numbered year, a late fee of \$5 for each month or part of a month that the certified physical therapist assistant has provided services as a physical therapist assistant beyond the renewal date will be charged, in addition to the renewal fee. Payment of a late fee does not preclude the Board from taking disciplinary action for providing services as a physical therapist assistant without a current certification.

(e) A certified physical therapist assistant who does not intend to provide services as a physical therapist assistant in this Commonwealth and who does not desire to renew the certification shall inform the Board in writing. Written confirmation of the Board's receipt of the request and notice that the certification has been classified as inactive will be forwarded to the certified physical therapist assistant.

(f) The certified physical therapist assistant who either fails to pay the biennial renewal fee or who notifies the Board of the desire not to renew the certification will not be sent biennial renewal forms for the following biennial renewal periods unless the certified physical therapist assistant requests the Board, in writing, to reactivate the certification.

(g) To reactivate an inactive certification, the certified physical therapist assistant shall apply on forms supplied by the Board and answer all questions fully. The certified physical therapist assistant shall:

(1) Include the documentation required under § 40.192(b) for the immediately preceding biennium, which may be completed during the current biennium. Unless waived by the Board under § 40.192(a)(4), the Board will not reactivate a certificate until the required continuing education for the preceding biennium has been successfully completed.

(2) Pay the current renewal fee and the reactivation application fee in § 40.5.

(3) Verify that the certified physical therapist assistant did not provide services as a physical therapist assistant in this Commonwealth while the certification was inactive.

(h) A certified physical therapist assistant who does not make the verification of subsection (g)(3) shall also pay prior biennial renewal fees and late fees as required under this subsection. Unless previously paid, the certified physical therapist assistant shall pay the renewal fee for each biennial renewal period after the certificate became inactive and during which the certified physical therapist assistant provided services as a physical therapist assistant in this Commonwealth. The certified physical therapist assistant shall also pay a late fee of \$5 per month or part of month from the first date the certified physical therapist assistant provided services as a physical therapist assistant in this Commonwealth after the certificate became inactive until the date the certified physical therapist assistant files a fully-completed reactivation application. The applicant for certification reactivation will not be assessed a fee or penalty for preceding biennial periods in which the applicant did not provide services as a physical therapist assistant in this Commonwealth. Payment of a late fee does not preclude the Board

from taking disciplinary action for providing services as a physical therapist assistant without a current certification.

(i) If other conditions of the act and this chapter have been met, active status will be restored upon payment of the fees which have accrued.

(j) A certified physical therapist assistant who has not renewed the certification may not provide services as a physical therapist assistant in this Commonwealth until the certification has been renewed or reactivated. A certified physical therapist assistant who provides services as a physical therapist assistant in this Commonwealth after the certification has expired and before it has been renewed or reactivated is subject to disciplinary action under section 9.1(d) and (f) of the act, as set forth in § 40.181(a)(6) (relating to refusal, suspension or revocation of certification). A certified physical therapist assistant who has provided services as a physical therapist assistant during a period in which the certified physical therapist assistant's certification was not active may be subject to criminal prosecution under section 12 of the act (63 P. S. § 1312).

(k) In addition to the other requirements of this section, a certified physical therapist assistant whose certification has been inactive for 5 years or more shall demonstrate current competence to provide services as a physical therapist assistant by one or both of the following:

(1) Successful completion of the certification examination required under § 40.164 (relating to physical therapist assistant certification examination).

(2) Satisfaction of the requirements of § 40.163(b) (relating to requirements for certification) and proof of licensed or certified provision of services as a physical therapist assistant in one or more other jurisdictions of the United States or Canada for at least 36 months of the 5 years immediately preceding application for reactivation.

§ 40.192. Continuing education for certified physical therapist assistant.

(a) *Contact hour requirements.* Beginning with the January 1, 2013–December 31, 2014 biennial renewal period, a certified physical therapist assistant shall satisfy the following continuing education requirements.

(1) During each biennial renewal period, a certified physical therapist assistant shall complete qualifying continuing education equal to at least 30 contact hours of continuing physical therapy education, including at least 4 contact hours in identifying and responding to emergency health conditions and at least 2 contact hours in law or ethics applicable to the practice of physical therapy.

(2) Except as permitted in § 40.191(g)(1) (relating to renewal of certification), paragraph (4) or as directed by the Board, continuing education may satisfy the requirement of paragraph (1) only for the biennium during which it was completed. A contact hour of continuing education may not be used to satisfy the requirement of paragraph (1) for more than 1 biennium.

(3) Unless otherwise excused by the act or this subchapter, failure to complete the minimum required amount of continuing education during the applicable renewal period as required under section 9.1(j) of the act (63 P. S. § 1309.1(j)) and this section will subject the certified physical therapist assistant to disciplinary action

under section 9.1(f) of the act as provided in § 40.181(6) (relating to refusal, suspension or revocation of certification).

(4) The Board may, in individual cases involving physical disability or illness, or undue hardship, grant a waiver of the continuing education requirements or grant an extension of time to complete the requirements. A waiver or extension of time will not be granted unless a written request is submitted by or on behalf of the certified physical therapist assistant. In case of physical disability or illness, the request must include supporting documentation provided by a physician licensed in this Commonwealth or another state or territory of the United States or the District of Columbia and whose license is in good standing. The necessary documentation must be received by the Board no later than 90 days preceding the biennial renewal. If the physical disability or illness or undue hardship for which the waiver has been granted continues beyond the period of the waiver, the certified physical therapist assistant shall reapply for an extension of the waiver. The Board may, as a condition of a waiver granted, require the certified physical therapist assistant to make up all or part of the continuing education involved.

(5) A certified physical therapist assistant is not required to complete continuing education during the biennial renewal cycle in which the certified physical therapist assistant was first certified.

(b) *Reporting completion of continuing education.* Continuing education shall be reported and documented in the following manner.

(1) In general, proof of completion of a course or program of continuing education must consist of a certificate of completion or other documentation issued by the course or program provider, including:

(i) The name of the participant.

(ii) The name of the provider.

(iii) The date or dates of the course or program.

(iv) The name and any Board issued approval number of the course or program.

(v) The number of contact hours of continuing education or academic credit.

(2) A certified physical therapist assistant shall retain proof of completion of continuing education for 5 years after completion of the continuing education or after the completion of the renewal period during which the continuing education was required or applied, whichever is later.

(3) The Board will audit certified physical therapist assistants to verify compliance with continuing education requirements. A certified physical therapist assistant shall fully respond to an audit notice within 30 days or other time period allowed in the notice.

(c) *Credit for approved continuing education.* Credit for continuing education will be determined in accordance with the following.

(1) Credit for continuing education will be granted only for courses or programs offered by providers preapproved under subsection (d)(1) or approved by the Board under subsection (d)(2) or for authoring publications as authorized under subsection (e).

(2) Unless limited by this section, continuing education credit may be earned in a course or program or by authoring a publication relating to any of the following:

(i) Subject matter falling within the definition of "physical therapy" in section 2 of the act (63 P. S. § 1302).

(ii) Law or ethics applicable to the practice of physical therapy.

(iii) Subject matter that otherwise keeps the certified physical therapist assistant apprised of advancements and new developments in the practice of the profession of physical therapy.

(3) Continuing education credit may not be earned in a course in office management or practice building.

(4) A certified physical therapist assistant may not receive credit more than once in a given renewal period for repetition of courses or programs with substantially similar content and objectives.

(5) A certified physical therapist assistant teaching a course or conducting a program of continuing education may receive the same credit that a certified physical therapist assistant attending the course or program would receive and may also receive credit for time spent in preparation. Credit for time spent in preparation may not exceed the credit available for a certified physical therapist assistant attending the course or program.

(6) If a course or program extends beyond a single biennial renewal period, credit will be awarded in the period in which the course or program is finally completed.

(d) *Approval of continuing education courses.* Continuing education courses or programs may be approved in accordance with this subsection.

(1) Provided that the course or program otherwise meets the requirements in subsection (c)(2) and the course or program provider issues to each attending certified physical therapist assistant a certificate of completion record in accordance with subsection (b)(1), a course or program of continuing education from a provider preapproved under this paragraph is approved by the Board.

(i) The following providers are preapproved:

(A) The American Physical Therapy Association or its components.

(B) The Federation of State Boards of Physical Therapy and its jurisdictions.

(C) A physical therapist or physical therapist assistant educational program accredited by the Commission on Accreditation in Physical Therapy Education.

(D) The American Heart Association and the American Red Cross and their component organizations, only for purposes of providing continuing education in identifying and responding to emergency health conditions as required under subsection (a)(1).

(ii) Any other provider seeking preapproved provider status shall:

(A) Apply to the Board on forms supplied by the Board.

(B) Pay the required fee.

(C) Demonstrate that the provider is competent to provide continuing education to physical therapist assistants without direct review by the Board.

(iii) The Board may terminate its prior approval of a course or program of continuing education when the applicant made one or more false or misleading material statements on the application. The Board may also terminate in part or in whole its prior approval of a

course or program when it is later determined that the Board has grounds to deny approval in accordance with this section. Termination of approval will not forfeit credit for a course or program completed prior to termination of approval.

(iv) The Board will maintain a list of preapproved providers and make the list publicly available.

(2) A continuing education course or program offered by a provider not preapproved under paragraph (1) may be approved as provided in this paragraph.

(i) The provider shall apply at least 60 days prior to the date the continuing education course or program is scheduled to take place on forms provided by the Board and fully provide the information required on the application forms for the Board to fulfill its duties under this section. The application shall be submitted to the Board with payment of the fee as required under § 40.5 (related to fees).

(ii) The provider shall apply for approval of each course or program of continuing education, which may include multiple presentations of the course or program at one or more locations. Unless approved by the Board, a significant change in content or use of an instructor or instructors other than those described in the application for approval is a separate course or program for which Board approval is required.

(iii) The Board may deny approval of a course or program of continuing education when the provider has previously failed or is not currently able to comply with the provider responsibilities of paragraph (3) or the course or program does not qualify under subsection (c)(1). The Board may approve in part and deny in part an application for approval of a course or program. The Board may deny an application for approval that does not comply with the act or this chapter.

(iv) The Board may terminate its prior approval of a course or program of continuing education when the applicant made one or more false or misleading material statements on the application. The Board may also terminate in part or in whole its prior approval of a course or program when it is later determined that the Board has grounds to deny approval in accordance with this section. Termination of approval will not forfeit credit for a course or program completed prior to termination of approval.

(v) The Board will maintain a list of approved courses and programs in a form accessible to certified physical therapist assistants and the public.

(vi) If the provider has not separately sought approval under this paragraph, a certified physical therapist assistant attending the course or program may apply for approval of a course or program of continuing education in accordance with this paragraph. The certified physical therapist assistant shall apply for approval prior to attending the course or program. The Board may waive the requirements in paragraph (3) when a certified physical therapist assistant attending a course or program applies for approval.

(3) For each course or program of continuing education, the provider shall:

(i) Disclose in advance to prospective attendees the objectives, content, teaching method and the number of hours of continuing education credit approved by the Board.

(ii) Provide physical facilities adequate for the number of anticipated participants and the teaching methods to be used.

- (iii) Provide accurate instructional materials.
- (iv) Utilize qualified instructors who are knowledgeable in the subject matter.
- (v) Evaluate the course or program through the use of questionnaires of the participants and instructors.
- (vi) Issue a certificate of completion to each participant.
- (vii) Retain attendance records, written outlines and a summary of evaluations for 5 years.
- (e) *Authoring publications.* A certified physical therapist assistant may earn continuing education credit for authoring publications as provided in this subsection.
- (1) Prior to the end of the biennial renewal period for which credit is sought, the certified physical therapist assistant shall apply to the Board on forms provided by the Board and submit the documentation necessary to establish entitlement to credit.

(2) Subject to the limitations of paragraph (3), 1 contact hour of continuing education credit will be awarded for each hour spent in research or writing. Credit will not be awarded if the total research and writing time was less than 1 hour.

(3) Within the subject matter limitations of subsection (c), a certified physical therapist assistant may earn credit for authoring a publication as follows:

- (i) Authoring or editing a book, not to exceed 15 contact hours.
- (ii) Authoring or editing a chapter of a book, not to exceed 10 contact hours.
- (iii) Authoring or reviewing a published peer-reviewed article, not to exceed 10 contact hours.
- (iv) Authoring a non-peer-reviewed article published in a physical therapy publication, not to exceed 5 contact hours.
- (4) Credit for authoring a publication will be awarded only for the biennial renewal period in which it was published.

Subchapter D. CHILD ABUSE REPORTING REQUIREMENTS

§ 40.202. Suspected child abuse—mandated reporting requirements.

(a) *General rule.* Under 23 Pa.C.S. § 6311 (relating to persons required to report suspected child abuse), physical therapists and physical therapist assistants who, in the course of their employment, occupation or practice of their profession, come into contact with children shall report or cause a report to be made to the Department of Public Welfare when the physical therapist or physical therapist assistant has reasonable cause to suspect on the basis of professional or other training or experience, that a child coming before them in their professional or official capacity is a victim of child abuse.

(b) *Staff members of public or private agencies, institutions and facilities.* Physical therapists and physical therapist assistants who are staff members of a medical or other public or private institution, school, facility or agency, and who, in the course of their employment, occupation or practice of their profession, come into contact with children shall immediately notify the person in charge of the institution, school, facility or agency or the designated agent of the person in charge when they have reasonable cause to suspect on the basis of their professional or other training or experience, that a child

coming before them in their professional or official capacity is a victim of child abuse. Upon notification by the physical therapist or physical therapist assistant, the person in charge or the designated agent shall assume the responsibility and have the legal obligation to report or cause a report to be made in accordance with subsections (a), (c) and (d).

(c) *Reporting procedure.* Reports of suspected child abuse shall be made by telephone and by written report.

(1) *Oral reports.* Oral reports of suspected child abuse shall be made immediately by telephone to ChildLine, (800) 932-0313.

(2) *Written reports.* Written reports shall be made within 48 hours after the oral report is made by telephone. Written reports shall be made on forms available from a county children and youth social service agency.

(d) *Written reports.* Written reports shall be made in the manner and on forms prescribed by the Department of Public Welfare. The following information shall be included in the written reports, if available:

- (1) The names and addresses of the child and the parents or other person responsible for the care of the child, if known.
- (2) Where the suspected abuse occurred.
- (3) The age and sex of the subjects of the report.
- (4) The nature and extent of the suspected child abuse including any evidence of prior abuse to the child or siblings of the child.
- (5) The name and relationship of the persons responsible for causing the suspected abuse, if known, and any evidence of prior abuse by those persons.
- (6) Family composition.
- (7) The source of the report.
- (8) The person making the report and where that person can be reached.

(9) The actions taken by the reporting source, including the taking of photographs and X-rays, removal or keeping of the child or notifying the medical examiner or coroner.

(10) Other information which the Department of Public Welfare may require under 55 Pa. Code (relating to public welfare).

§ 40.203. Photographs, medical tests and X-rays of child subject to report.

A physical therapist or physical therapist assistant may take or cause to be taken photographs of the child who is subject to a report and, if clinically indicated, cause to be performed a radiological examination and other medical tests on the child. Medical summaries or reports of the photographs, X-rays and relevant medical tests taken shall be sent to the county children and youth social service agency at the time the written report is sent or as soon thereafter as possible. The county children and youth social service agency shall have access to actual photographs or duplicates and X-rays and may obtain them or duplicates of them upon request.

§ 40.204. Suspected death as a result of child abuse—mandated reporting requirement.

A physical therapist or physical therapist assistant who has reasonable cause to suspect that a child died as a result of child abuse shall report that suspicion to the coroner of the county where death occurred or, in the case

where the child is transported to another county for medical treatment, to the coroner of the county where the injuries were sustained.

§ 40.205. Immunity from liability.

Under 23 Pa.C.S. § 6318 (relating to immunity from liability), a physical therapist or physical therapist assistant who participates in good faith in the making of a report, cooperating with an investigation, testifying in a proceeding arising out of an instance of suspected child abuse or the taking of photographs shall have immunity from civil and criminal liability that might result by reason of the physical therapist's or physical therapist assistant's actions. For the purpose of any civil or criminal proceeding, the good faith of the physical therapist or physical therapist assistant shall be presumed. The Board will uphold the same good faith presumption in any disciplinary proceeding that might result by reason of a physical therapist's physical therapist assistant's actions in participating in good faith in the making of a report, cooperating with an investigation, testifying in a proceeding arising out of an instance of suspected child abuse or the taking of photographs.

§ 40.207. Noncompliance.

(a) *Disciplinary action.* A physical therapist or physical therapist assistant who willfully fails to comply with the reporting requirements in § 40.202 (relating to suspected child abuse—mandated reporting requirements) will be subject to disciplinary action under section 11 of the act (63 P.S. § 1311).

(b) *Criminal penalties.* Under 23 Pa.C.S. § 6319 (relating to penalties for failure to report or to defer), a physical therapist or physical therapist assistant who is required to report a case of suspected child abuse who willfully fails to do so commits a summary offense for the first violation and a misdemeanor of the third degree for a second or subsequent violation.

[Pa.B. Doc. No. 12-2468. Filed for public inspection December 21, 2012, 9:00 a.m.]

**BUREAU OF PROFESSIONAL AND
OCCUPATIONAL AFFAIRS**

[49 PA. CODE CH. 43b]

**Schedule of Civil Penalties for Violations of the
Clean Indoor Air Act**

The Commissioner of Professional and Occupational Affairs (Commissioner) amends §§ 43b.4—43b.7, 43b.8 and 43b.9 to read as set forth in Annex A.

Effective Date

This final-form rulemaking is effective upon publication in the *Pennsylvania Bulletin*.

Statutory Authority

The Clean Indoor Air Act (act) (35 P.S. §§ 637.1—637.11) prohibits smoking in public places. Although the Department of Health (Department) has primary enforcement authority under the act, section 5(b)(1)(ii) of the act (35 P.S. § 637.5(b)(1)(ii)) provides that if a public place is subject to licensure by another agency, the Department will refer the complaint to the appropriate licensing agency for investigation and enforcement. Six of the boards or commissions under the Bureau of Professional and Occupational Affairs (Bureau) license and routinely

inspect public places as defined in section 2 of the act (35 P.S. § 637.2): the State Board of Barber Examiners; the State Board of Cosmetology; the State Board of Funeral Directors; the State Board of Pharmacy; the State Real Estate Commission; and the State Board of Vehicle Manufacturers, Dealers and Salespersons. Therefore, these six boards and commissions are responsible for the enforcement of the act in licensed facilities under their jurisdiction.

The act of July 2, 1993 (P.L. 345, No. 48) (Act 48) authorizes the Commissioner, after consultation with the licensing boards and commissions, to adopt a schedule of civil penalties for violations of their respective acts or regulations regarding the conduct or operation of a business or facility licensed by the licensing boards or commissions. Therefore, the Commissioner is amending the existing schedules of civil penalties to add civil penalties for violations of the provisions of the act. The boards and commissions approved the amendments to the civil penalty schedules at regularly scheduled public meetings.

Background and Purpose

Adoption of a schedule of civil penalties for violations of the act at licensed facilities will permit duly authorized agents of the Bureau to issue citations for these violations. Citations streamline the disciplinary process by eliminating the need for formal orders to show cause, answers, adjudications and orders, and consent agreements. At the same time, licensees who receive citations retain their due process rights to a hearing prior to the imposition of discipline. Section 6(a) of the act (35 P.S. § 637.6(a)) identifies three violations that are subject to civil penalties: failure to post a sign as required under section 4 of the act (35 P.S. § 637.4); permitting smoking in a public place where smoking is prohibited; and smoking in a public place where smoking is prohibited. The Commissioner is amending the schedules of civil penalties for these six boards and commissions in §§ 43b.4—43b.7, 43b.8 and 43b.9 to establish a civil penalty schedule for the three violations in section 6(a) of the act. Section 6(c) of the act sets forth the administrative penalties for violations of the act: not to exceed \$250 for first violations; not to exceed \$500 for second violations (defined as those occurring within 1 year of the first violation); and not to exceed \$1,000 for third violations (defined as those occurring within 1 year of the second violation). The Commissioner is adopting civil penalties of \$250 for first offenses, \$500 for second offenses and \$1,000 for third offenses. The act is silent as to subsequent violations. However, Act 48 limits the maximum civil penalty that may be imposed by citation to \$1,000. Therefore the civil penalty for subsequent violations will be \$1,000.

Summary of Comments and Response

Notice of proposed rulemaking was published at 40 Pa.B. 5175 (September 11, 2010) followed by a 30-day public comment period. Comments were not received from the public. The House Professional Licensure Committee (HPLC) and the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) did not submit comments on the proposed rulemaking. On November 12, 2010, the Commissioner received a letter from the Independent Regulatory Review Commission (IRRC) indicating that they did not have objections, comments or recommendations to offer on the proposed rulemaking.

Fiscal Impact and Paperwork Requirements

The final-form rulemaking will not have adverse fiscal impact on the Commonwealth or its political subdivisions

and will reduce the paperwork requirements of both the Commonwealth and the regulated community by eliminating the need for orders to show cause, answers, consent agreements and adjudications/orders for violations of the act.

Sunset Date

Professional licensure statutes require boards and commissions to be self-supporting. Therefore, the Commissioner and the boards and commissions continually monitor the cost effectiveness of regulations affecting their operations. As a result, a sunset date has not been assigned.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on August 27, 2010, the Commissioner submitted a copy of the notice of proposed rulemaking, published at 40 Pa.B. 5175, to IRRC and the Chairpersons of the HPLC and the SCP/PLC for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC, the HPLC and the SCP/PLC were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing the final-form rulemaking, the Board has considered all comments from IRRC, the HPLC, the SCP/PLC and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on November 14, 2012, the final-form rulemaking was deemed approved by the HPLC and the SCP/PLC. Under section 5.1(e) of the Regulatory Review Act, IRRC met on November 15, 2012, and approved the final-form rulemaking.

Contact Person

Further information may be obtained by contacting Cynthia Montgomery, Regulatory Counsel, Department of

State, Bureau of Professional and Occupational Affairs, P. O. Box 2649, Harrisburg, PA 17105-2649.

Findings

The Commissioner finds that:

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law and comments were not received.

(4) This final-form rulemaking is necessary and appropriate for administering and enforcing the authorizing act identified this preamble.

Order

The Commissioner, acting under the authority of Act 48, orders that:

(a) The regulations of the Commissioner, 49 Pa. Code Chapter 43b, are amended by amending §§ 43b.4—43b.7, 43b.8 and 43b.9 to read as set forth in Annex A.

(b) The Commissioner shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General as required by law.

(c) The Commissioner shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect upon publication in the *Pennsylvania Bulletin*.

KATIE TRUE,
Commissioner

(*Editor's Note:* For the text of the order of the Independent Regulatory Review Commission relating to this document, see 42 Pa.B. 7364 (December 1, 2012).)

Fiscal Note: Fiscal Note 16-46 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 43b. COMMISSIONER OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

SCHEDULE OF CIVIL PENALTIES, GUIDELINES FOR IMPOSITION OF CIVIL PENALTIES AND PROCEDURES FOR APPEAL

§ 43b.4. Schedule of civil penalties—barbers and barber shops.

STATE BOARD OF BARBER EXAMINERS

| <i>Violation under 35 P. S.</i> | <i>Title / Description</i> | <i>Civil Penalty</i> |
|---------------------------------|--|--|
| Section 637.6(a)(1) | Failure of licensed barber shop or school to post a sign as required under section 4 of the Clean Indoor Air Act (35 P. S. § 637.4) | 1st offense—\$250 2nd offense (within 1 year of 1st offense)—\$500 3rd offense (within 1 year of 2nd offense)—\$1,000 Subsequent offenses (within 1 year of previous offense)—\$1,000 |
| Section 637.6(a)(2) | Barber shop permitting smoking in the barber shop or barber school permitting smoking in the barber school in violation of the Clean Indoor Air Act (35 P. S. §§ 637.1—637.11) | 1st offense—\$250 2nd offense (within 1 year of 1st offense)—\$500 3rd offense (within 1 year of 2nd offense)—\$1,000 Subsequent offenses (within 1 year of previous offense)—\$1,000 |

| | | |
|--|---|--|
| <i>Violation under 35 P. S.</i> | <i>Title / Description</i> | <i>Civil Penalty</i> |
| Section 637.6(a)(3) | Licensee of the Board smoking in a barber shop or in a barber school in violation of the Clean Indoor Air Act | 1st offense—\$250 2nd offense (within 1 year of 1st offense)—\$500 3rd offense (within 1 year of 2nd offense)—\$1,000 Subsequent offenses (within 1 year of previous offense)—\$1,000 |
| <i>Violation under 63 P. S.</i> | <i>Title / Description</i> | <i>Civil Penalty</i> |
| Section 551 | Practicing without a license | 1st offense—\$500 2nd offense—Formal action |
| Section 558 | Availability of current license on premises | 1st offense—\$150 2nd offense—\$500 |
| Section 558 | Practicing on a lapsed or expired license | 1st offense—Up to 90 days—Warning; 90 days to 1 year—\$250; 1 year to 2 years—\$500; over 2 years—\$1,000 2nd offense—Formal action |
| Section 562(a)(2) | Operating a business or facility on a lapsed or expired permit or license | 1st offense—Up to 90 days—Warning; 90 days to 1 year—\$250; from 1 year to 2 years—\$500; over 2 years—\$1,000 2nd offense—Formal action |
| Section 559 | Failure to employ licensed persons | 1st offense—\$500 for each individual unlicensed barber 2nd offense—Formal action |
| Section 560 | Opening shop for business before shop inspected and approved | 1st offense—\$200 2nd offense—Formal action |
| Section 560 | Failure to file application when taking over as owner of existing shop | 1st offense—\$500 2nd offense—Formal action |
| Section 562 | Operating an establishment without supervision of designated manager barber or other designated licensee | 1st offense—\$250 2nd offense—Formal action |
| Section 560 | Operating a business or facility without a permit or license | 1st offense—\$500 2nd offense—Formal action |
| Section 563(a) | Licensee practicing in place other than licensed shop | 1st offense—\$500 2nd offense—Formal action |
| <i>Violation under 49 Pa. Code Chapter 3</i> | <i>Title / Description</i> | <i>Civil Penalty</i> |
| Section 3.51(a) | Failure to obtain new shop license when shop moves | 1st offense—\$500 2nd offense—Formal action |
| Section 3.51(b) | Failure to register trade name | 1st offense—\$100 2nd offense—Formal action |
| Section 3.54 | Failure to meet minimum equipment requirements | 1st offense—\$100 2nd offense—Formal action |
| Section 3.55 | Failure to meet minimum maintenance and sanitation requirements | 1st offense—\$100 2nd offense—Formal action |
| Section 3.85 | School equipment does not meet requirements | 1st offense—\$100 2nd offense—Formal action |
| Section 3.86 | School maintenance and sanitation requirements not met | 1st offense—\$250 2nd offense—Formal action |
| Section 3.89 | School advertising requirements not met | 1st offense—\$250 2nd offense—Formal action |

§ 43b.5. Schedule of civil penalties—cosmetologists, nail technicians, estheticians, natural hair braiders, salons.

STATE BOARD OF COSMETOLOGY

| <i>Violation under 35 P. S.</i> | <i>Title / Description</i> | <i>Civil Penalty</i> |
|--|--|--|
| Section 637.6(a)(1) | Failure of licensed cosmetology salon, limited practice salon or cosmetology school to post a sign as required under section 4 of the Clean Indoor Air Act (35 P. S. § 637.4) | 1st offense—\$250 2nd offense (within 1 year of 1st offense)—\$500 3rd offense (within 1 year of 2nd offense)—\$1,000 Subsequent offenses (within 1 year of previous offense)—\$1,000 |
| Section 637.6(a)(2) | Licensed cosmetology or limited practice salon permitting smoking in the salon or licensed cosmetology school permitting smoking in the school in violation of the Clean Indoor Air Act (35 P. S. §§ 637.1—637.11) | 1st offense—\$250 2nd offense (within 1 year of 1st offense)—\$500 3rd offense (within 1 year of 2nd offense)—\$1,000 Subsequent offenses (within 1 year of previous offense)—\$1,000 |
| Section 637.6(a)(3) | Licensee of the Board smoking in a cosmetology salon, limited practice salon, or cosmetology school in violation of the Clean Indoor Air Act | 1st offense—\$250 2nd offense (within 1 year of 1st offense)—\$500 3rd offense (within 1 year of 2nd offense)—\$1,000 Subsequent offenses (within 1 year of previous offense)—\$1,000 |
| <i>Violation under 63 P. S.</i> | <i>Title / Description</i> | <i>Civil Penalty</i> |
| Section 508 | Practicing without a license | 1st offense—\$500 2nd offense—Formal action |
| Section 508 | Maintaining an unlicensed shop | 1st offense—\$500 2nd offense—Formal action |
| Section 514 | Practice in place other than licensed shop | 1st offense—\$500 2nd offense—Formal action |
| Section 519(a) | Owner employing unlicensed employees | 1st offense—\$500 for each unlicensed individual 2nd offense—Formal action |
| Section 524 | Availability of current licenses and permits on the premises | 1st offense—\$100 2nd offense—\$250 |
| <i>Violation under 49 Pa. Code Chapter 7</i> | <i>Title / Description</i> | <i>Civil Penalty</i> |
| Section 7.43 | Practice on lapsed license | 1st offense—Up to 90 days—Warning; 90 days or more—\$250 2nd offense—Formal action |
| Section 7.62 | Operating without manager | 1st offense—\$100 2nd offense—\$250 |
| Sections 7.64(a) | Manager employing unlicensed persons | 1st offense—\$500 for each unlicensed individual 2nd offense—Formal action |
| Sections 7.71—7.79 | Physical requirements for beauty shop | 1st offense—\$50 for each violation 2nd offense—\$100 for each violation |
| Section 7.82 | Failure to maintain record of services rendered outside a shop | 1st offense—\$50 2nd offense—\$250 |
| Section 7.92 | Failure to sterilize equipment | 1st offense—\$100 2nd offense—\$250 |
| Section 7.93 | Unsanitary use of towels | 1st offense—\$100 2nd offense—\$250 |
| Section 7.94 | Unsanitary use of supplies | 1st offense—\$100 2nd offense—\$250 |
| Section 7.101 | Electrical appliances not properly installed/grounded | 1st offense—\$50 2nd offense—\$250 |
| Section 7.114 | School equipment and supplies not sufficient for student enrollment | \$50/each item missing |

| <i>Violation under 49 Pa. Code Chapter 7</i> | <i>Title/Description</i> | <i>Civil Penalty</i> |
|--|---|--|
| Section 7.117 | Failure to employ supervisor | 1st offense—\$500 2nd offense—Formal action |
| Section 7.118(a) | Unlicensed teachers | 1st offense—\$500 2nd offense—Formal action |
| Section 7.118(b) | Availability of instructor license on the premises | 1st offense—\$100 2nd offense—\$250 |
| Section 7.118(c) | Failure to employ at least one full time instructor | 1st offense—\$100 2nd offense—\$250 |
| Section 7.118(d) | Allowing student-teacher ratio to exceed 25:1 | 1st offense—\$100 2nd offense—\$250 |
| Section 7.119 | Failure to maintain student records | 1st offense—\$250 2nd offense—Formal action |
| Section 7.119a | Failure to obtain notarized transcript; failure to obtain verification from other state | 1st offense—\$50 2nd offense—\$250 |
| Section 7.120 | Work done by students on public; failure to post notices; failure to post sign | 1st offense—\$100 2nd offense—\$250 |
| Section 7.121 | Failure to advertise licensee name or student work | 1st offense—\$100 2nd offense—\$250 |
| Section 7.134 | Apprentice reports—failure to submit to board | 1st offense—\$100 2nd offense—\$250 |

§ 43b.6. Schedule of civil penalties—funeral directors and funeral establishments.

STATE BOARD OF FUNERAL DIRECTORS

| <i>Violation under 35 P. S.</i> | <i>Title/Description</i> | <i>Civil Penalty</i> |
|---------------------------------|---|--|
| Section 637.6(a)(1) | Failure of funeral establishment to post a sign as required under section 4 of the Clean Indoor Air Act (35 P. S. § 637.4) | 1st offense—\$250 2nd offense (within 1 year of 1st offense)—\$500 3rd offense (within 1 year of 2nd offense)—\$1,000 Subsequent offenses (within 1 year of previous offense)—\$1,000 |
| Section 637.6(a)(2) | Funeral establishment permitting smoking in the funeral establishment in violation of the Clean Indoor Air Act (35 P. S. §§ 637.1—637.11) | 1st offense—\$250 2nd offense (within 1 year of 1st offense)—\$500 3rd offense (within 1 year of 2nd offense)—\$1,000 Subsequent offenses (within 1 year of previous offense)—\$1,000 |
| Section 637.6(a)(3) | Licensee of the Board smoking in a funeral establishment in violation of the Clean Indoor Air Act | 1st offense—\$250 2nd offense (within 1 year of 1st offense)—\$500 3rd offense (within 1 year of 2nd offense)—\$1,000 Subsequent offenses (within 1 year of previous offense)—\$1,000 |

| <i>Violation under 63 P. S.</i> | <i>Title/Description</i> | <i>Civil Penalty</i> |
|---------------------------------|---|---------------------------------------|
| Section 479.6 | Failure to display licenses conspicuously | 1st offense—\$50 2nd offense—\$250 |
| Section 479.13 | Practice without license | Any offense—\$1,000 |

| <i>Violation under 49 Pa. Code Chapter 13</i> | <i>Title/Description</i> | <i>Civil Penalty</i> |
|--|--|--|
| Section 13.83 Section 13.84 Section 13.194 | Requirements for advertising of name of licensee | 1st offense—\$100 2nd offense—\$250 |
| Section 13.91 | Operating funeral establishment without Board approval | Any offense—\$1,000 |

*Violation under 49 Pa. Code
Chapter 13*

| | <i>Title/Description</i> | <i>Civil Penalty</i> |
|----------------|---|---|
| Section 13.171 | Use of preparation room for purposes other than embalming or caring for remains | 1st offense—\$100 2nd offense—Formal action |
| Section 13.174 | Preparation room facility and equipment requirements | 1st offense—\$100 per violation 2nd offense—\$250 per violation |
| Section 13.182 | Improper disposal of waste products including biohazardous waste | 1st offense—\$100 2nd offense—\$500 |
| Section 13.193 | Advertising name of permanent supervisor | 1st offense—\$100 2nd offense—\$250 |
| Section 13.224 | Failure to comply with reporting requirements for prepaid burial contracts | 1st offense—\$100 2nd offense—Formal action |
| Section 13.225 | Failure to file affidavit for prepaid burial account | 1st offense—\$100 2nd offense—Formal action |
| Section 13.231 | Practicing on a lapsed license | Up to 60 days—1st offense—Warning 60 days or more—\$500 2nd offense—Formal action |

§ 43b.7. Schedule of civil penalties—pharmacists and pharmacies.

STATE BOARD OF PHARMACY

Violation under 35 P. S.

| | <i>Title/Description</i> | <i>Civil Penalty</i> |
|---------------------|---|--|
| Section 637.6(a)(1) | Failure of a pharmacy permit holder to post a sign as required under section 4 of the Clean Indoor Air Act (35 P. S. § 637.4) | 1st offense—\$250 2nd offense (within 1 year of 1st offense)—\$500 3rd offense (within 1 year of 2nd offense)—\$1,000 Subsequent offenses (within 1 year of previous offense)—\$1,000 |
| Section 637.6(a)(2) | Pharmacy permit holder permitting smoking in the pharmacy in violation of the Clean Indoor Air Act (35 P. S. §§ 637.1—637.11) | 1st offense—\$250 2nd offense (within 1 year of 1st offense)—\$500 3rd offense (within 1 year of 2nd offense)—\$1,000 Subsequent offenses (within 1 year of previous offense)—\$1,000 |
| Section 637.6(a)(3) | Licensee of the Board smoking in a pharmacy in violation of the Clean Indoor Air Act | 1st offense—\$250 2nd offense (within 1 year of 1st offense)—\$500 3rd offense (within 1 year of 2nd offense)—\$1,000 Subsequent offenses (within 1 year of previous offense)—\$1,000 |

*Violation under 49 Pa. Code
Chapter 27*

| | <i>Title/Description</i> | <i>Civil Penalty</i> |
|---------------|--|--|
| Section 27.11 | Pharmacy Permit— (a) Lack of permit showing accurate and current information as to name and address of pharmacy and name of pharmacist manager (b) Display, advertise or use a name other than registered name (g) Failure to notify Board of change in pharmacist manager or operation of pharmacy without pharmacist manager. | \$100 1st offense—\$100 2nd offense—\$100 1st offense—\$50 per month or part of month; Formal action if no compliance within 60 days after receiving citation 2nd offense—same as 1st offense |
| Section 27.14 | Supplies— (b) Expired drugs | 1st offense—Under 1 year old—\$250 1st offense—Over 1 year old—\$500 2nd offense—\$1,000 |

*Violation under 49 Pa. Code
Chapter 27*

| | <i>Title/Description</i> | <i>Civil Penalty</i> |
|---------------|---|---|
| | (c) Failure to maintain equipment and miscellaneous supplies | \$100 each |
| Section 27.15 | Sanitary standards | |
| | (a) Pharmacy not in good repair or not in clean and orderly condition. | \$250 |
| | (b) Violation of health and sanitation statutes of the Commonwealth and of the municipality and county where pharmacy is located. | \$250 |
| | (c) Waste disposal violations | \$250 |
| | (d) Prescription area not dry, well ventilated and well lighted; not free from rodents or insects | \$250 |
| | (e) Plumbing not functional | \$250 |
| | (f) Unauthorized items in prescription area | \$250 |
| Section 27.16 | Construction requirements— | |
| | (b)(4) Lack of telephone | \$250 |
| | (5) Lack of required sanitary facilities | \$250 |
| | (7) Television set in prescription area not intended for pharmacy instructional use | \$500 |
| | (8) Drugs accessible to unauthorized persons; animals unrelated to pharmacy security in prescription area | \$250 |
| Section 27.18 | Standards of practice— | |
| | (a) Unsuitable containers | \$100 |
| | (b) Lack of required information on prescriptions | \$100 |
| | (d) Lack of required information on container labels | \$100 |
| Section 27.31 | Biennial renewal—(c) practicing on a lapsed license or permit | 0-4 months—\$50 per month; over 4 months—8 months—\$100 per month; over 9 months—12 months—\$200 per month; over 1 year—formal action |

*Violation under 28 Pa. Code
Chapter 25*

| | <i>Title/Description</i> | <i>Civil Penalty</i> |
|------------------|---|----------------------|
| Section 25.55(d) | Improper generic substitution | |
| | Five to nine | \$250 |
| | 10 or more | \$500 |
| Section 25.55(e) | Failure to refill prescription with the identical product without authorization from prescriber and patient | \$100 |
| Section 25.56(a) | Improper filing of Schedule II prescriptions | \$100 |
| Section 25.56(b) | Improper filing of Schedule III, IV, V prescriptions | \$100 |
| Section 25.63(b) | Inadequate security for controlled substances | \$250 |
| Section 25.92 | Lack of lot numbers required on stock items | \$100 |
| Section 25.94 | Lack of expiration date on label of dispensed drugs of less than 1 year's potency. | \$100 |

§ 43b.8. Schedule of civil penalties—real estate and cemetery brokers, real estate schools.

STATE REAL ESTATE COMMISSION

| <i>Violation under 35 P. S.</i> | <i>Title / Description</i> | <i>Civil Penalty</i> |
|---------------------------------|--|--|
| Section 637.6(a)(1) | Failure of broker or cemetery broker to post a sign in a real estate office or cemetery office or real estate education provider to post a sign in a real estate school as required under section 4 of the Clean Indoor Air Act (35 P. S. § 637.4) | 1st offense—\$250 2nd offense (within 1 year of 1st offense)—\$500 3rd offense (within 1 year of 2nd offense)—\$1,000 Subsequent offenses (within 1 year of previous offense)—\$1,000 |
| Section 637.6(a)(2) | Broker or cemetery broker permitting smoking in a real estate or cemetery office or real estate education provider permitting smoking in a real estate school in violation of the Clean Indoor Air Act (35 P. S. §§ 637.1—637.11) | 1st offense—\$250 2nd offense (within 1 year of 1st offense)—\$500 3rd offense (within 1 year of 2nd offense)—\$1,000 Subsequent offenses (within 1 year of previous offense)—\$1,000 |
| Section 637.6(a)(3) | Licensee of the Commission smoking in a real estate office, cemetery office or real estate school in violation of the Clean Indoor Air Act | 1st offense—\$250 2nd offense (within 1 year of 1st offense)—\$500 3rd offense (within 1 year of 2nd offense)—\$1,000 Subsequent offenses (within 1 year of previous offense)—\$1,000 |
| <i>Violation under 63 P. S.</i> | <i>Title / Description</i> | <i>Civil Penalty</i> |
| Section 455.301 | Acting in capacity of cemetery broker or cemetery salesperson without a license | 1st offense—\$250 per violation 2nd offense—\$500 per violation |
| Section 455.601(a) | Failure of licensee to notify Commission of change of location of office of broker or cemetery broker within 10 days | 1st offense—\$125 2nd offense—\$250 |
| Section 455.601(a) | Failure of broker or cemetery broker to maintain sign with licensed name outside office | 1st offense—\$250 2nd offense—\$500 |
| Section 455.603 | Failure of licensee to notify Commission of change of employing broker within 10 days | 1st offense—\$125 2nd offense—\$250 |
| Section 455.604(a)(4) | Use of any trade name or insignia or membership in any real estate association or organization of which the licensee is not a member | 1st offense—\$250 2nd offense—\$500 |
| Section 455.604(a)(8) | Placing a “for sale” or “for rent” sign or advertising property without the written consent of the owner | 1st offense—\$250 2nd offense—\$500 |
| Section 455.604(a)(16) | Failure to exercise adequate supervision of licensed sales-person or associate broker (when subordinate violates § 455.601(a), § 455.603 or § 455.604(a)(21)) | Same as penalty for underlying offense by subordinate |
| Section 455.604(a)(21) | Failure of licensee to have current license when performing licensed activity | 1st offense—\$250 per month up to \$1,000 2nd offense—Formal action |
| Section 455.604(a)(26) | Failure to include right-of-cancellation information in a time share or campground membership | 1st offense—\$500 2nd offense—\$1,000 |
| Section 2205(b)(2) | Aiding and abetting cemetery or real estate sales activities by unlicensed individuals | 1st offense—\$250 per individual 2nd offense—\$500 per individual |

*Violation under 49 Pa. Code
Chapter 35*

| | <i>Title / Description</i> | <i>Civil Penalty</i> |
|----------------------|---|--|
| Section 35.242(a) | Failure of broker or cemetery broker to devote office to transaction of real estate business in privacy | 1st offense—\$125 2nd offense—\$250 |
| Section 35.242(b) | Failure of broker or cemetery broker to maintain separate entrance to office located in private residence | 1st offense—\$125 2nd offense—\$250 |
| Section 35.242(c) | Failure of broker or cemetery broker to display business name prominently and in permanent fashion outside office | 1st offense—\$250 2nd offense—\$500 |
| Section 35.243(a) | Failure of broker or cemetery broker to obtain license before opening branch office | 1st offense—\$250 2nd offense—\$500 |
| Section 35.245(a) | Failure of broker, cemetery broker or rental listing referral agent to maintain the current license of employed or affiliated licensees at main office | 1st offense—\$125 2nd offense—\$250 |
| Section 35.245(b) | Failure of associate broker, salesperson, associate cemetery broker or cemetery salesperson to conspicuously display current license at office out of which licensee works | 1st offense—\$100 2nd offense—\$250 |
| Section 35.245(c) | Failure of broker or cemetery broker to maintain a list of licensees employed or affiliated with the broker or cemetery broker at the branch office out of which each licensee works | 1st offense—\$125 2nd offense—\$250 |
| Section 35.285 | Failure to provide Commission or its representative with information regarding a franchisor, network or other parent real estate company with which the licensee is or may become affiliated | 1st offense—\$250 2nd offense—\$500 |
| Section 35.286(a) | Failure of broker to retain a copy of the written estimate of reasonably foreseeable expenses required under 49 Pa. Code § 35.334 (relating to statements of estimated cost and return) | 1st offense—\$250 2nd offense—\$500 |
| Section 35.286(a)(1) | Failure of broker, associate broker or salesperson to retain a copy of the acknowledgement portion of the Consumer Notice | 1st offense—\$250 2nd offense—\$500 |
| Section 35.286(b) | Failure of a licensed entity other than an individual to produce its corporate, partnership or association records for examination by the Commission or its authorized representative | 1st offense—\$250 2nd offense—\$500 |
| Section 35.290(b) | Failure of a licensee to notify the Commission of disciplinary action taken against the licensee by the real estate licensing authority of another jurisdiction within 30 days of receiving notice of the disciplinary action | 1st offense—\$500 2nd offense—\$1,000 |
| Section 35.292(a)(6) | Failure of broker, associate broker or salesperson to provide a copy of the Consumer Notice as required under 63 P. S. § 455.608 (relating to information to be given at initial interview) | 1st offense—\$250 2nd offense—\$500 |

*Violation under 49 Pa. Code
Chapter 35*

| | <i>Title / Description</i> | <i>Civil Penalty</i> |
|-------------------|--|--|
| Section 35.301(a) | Advertising the sale or lease of real estate without the authority of the seller or lessor or its agent | 1st offense—\$250 2nd offense—\$500 |
| Section 35.301(b) | Publishing information about a rental property if the lessor or property manager expressly stated that the property was not to be included in lists prepared by rental listing referral agents | 1st offense—\$250 2nd offense—\$500 |
| Section 35.304 | Failure of a licensee who sells or leases his own real estate to disclose in ads for the property that he is a licensee | 1st offense—\$250 2nd offense—\$500 |
| Section 35.305(a) | Failure of broker, cemetery broker or rental listing referral agent to advertise or hold himself out to public under business name designated on license | 1st offense—\$250 2nd offense—\$500 |
| Section 35.305(b) | Advertising or using a nickname that has not been registered with the Commission | 1st offense—\$250 2nd offense—\$500 |
| Section 35.305(c) | Failure of salesperson or associate broker to include the business name and telephone number of the broker in at least equal size as the salesperson's or associate broker's name and telephone number on an advertisement | 1st offense—\$250 2nd offense—\$500 |
| Section 35.334 | Failure of broker to provide a written estimate of reasonably foreseeable expenses | 1st offense—\$250 2nd offense—\$500 |
| Section 35.361(a) | Failure of real estate school to prominently display certificate of approval at main location and copy at satellite location | 1st offense—\$125 2nd offense—\$250 |
| Section 35.361(b) | Failure of real estate school to prominently display school's approved name outside each school location | 1st offense—\$250 2nd offense—\$500 |
| Section 35.361(c) | Failure of real estate school to prominently display school director's letter of approval at main location and copy at each satellite location | 1st offense—\$125 2nd offense—\$250 |
| Section 35.361(d) | Failure of real estate school to prominently display alphabetical list of courses and instructors at each school location | 1st offense—\$125 2nd offense—\$250 |

§ 43b.9. Schedule of civil penalties—vehicle manufacturers, dealers and salespersons.

STATE BOARD OF VEHICLE MANUFACTURERS, DEALERS AND SALESPERSONS

| <i>Violation under 35 P. S.</i> | <i>Title / Description</i> | <i>Civil Penalty</i> |
|---------------------------------|---|--|
| Section 637.6(a)(1) | Failure of vehicle dealer, branch lot, public or retail vehicle auction, or wholesale vehicle auction to post a sign as required under section 4 of the Clean Indoor Air Act (35 P. S. § 637.4) | 1st offense—\$250 2nd offense (within 1 year of 1st offense)—\$500 3rd offense (within 1 year of 2nd offense)—\$1,000 Subsequent offenses (within 1 year of previous offense)—\$1,000 |

| <i>Violation under 35 P. S.</i> | <i>Title / Description</i> | <i>Civil Penalty</i> |
|--|---|--|
| Section 637.6(a)(2) | Vehicle dealership, branch lot, public or retail vehicle auction, or wholesale vehicle auction permitting smoking in an area where smoking is prohibited by the Clean Indoor Air Act (35 P. S. §§ 637.1—637.11) | 1st offense—\$250 2nd offense (within 1 year of 1st offense)—\$500 3rd offense (within 1 year of 2nd offense)—\$1,000 Subsequent offenses (within 1 year of previous offense)—\$1,000 |
| Section 637.6(a)(3) | Licensee of the Board smoking in an area of the vehicle dealership, branch lot, public or retail vehicle auction or wholesale vehicle auction where smoking is prohibited by the Clean Indoor Air Act | 1st offense—\$250 2nd offense (within 1 year of 1st offense)—\$500 3rd offense (within 1 year of 2nd offense)—\$1,000 Subsequent offenses (within 1 year of previous offense)—\$1,000 |
| <i>Violation under 63 P. S.</i> | <i>Title / Description</i> | <i>Civil Penalty</i> |
| Section 818.5(a) | Person or entity engaging in business of vehicle dealer, auction, manufacturer or distributor without license or acting as broker | Each offense—\$1,000 |
| Section 818.5(a) | Person engaging in business as a factory representative or distributor representative without a license | 1st offense—\$100 2nd offense—\$500 3rd offense—\$1,000 |
| Section 818.5(a) | Individual working as unlicensed salesperson for dealership | 1st offense—\$100 2nd offense—\$500 3rd offense—Formal action |
| Section 818.5(c) | Licensed salesperson working as salesperson for dealership other than for whom salesperson is licensed | 1st offense—\$100 2nd offense—\$500 3rd offense—Formal action |
| Section 818.5(d) | Failure to display license in principal office | 1st offense—\$100 2nd offense—\$500 3rd offense—Formal action |
| Section 818.5(h) | Vehicle auction not posting list of revoked/suspended licensees | 1st offense—\$250 2nd offense—\$500 3rd offense—Formal action |
| Section 818.19(15) | Licensed dealer employing unlicensed salesperson | 1st offense—\$500 2nd offense—\$1,000 3rd offense—Formal action |
| Section 818.19(29) | Wholesale auction permitting unlicensed or revoked or currently suspended dealer or vehicle business to buy, sell or represent vehicle at auction | 1st offense—\$250 2nd offense—\$500 3rd offense—\$1,000 Subsequent offense—Formal action |
| Section 818.19(30) | Dealer permitting revoked or currently suspended salesperson to sell, represent or purchase vehicle at auction | 1st offense—\$500 2nd offense—\$1000 3rd offense—Formal action |
| Sections 818.5(a) and 818.19(27) | Licensed dealer operating an unlicensed branch lot | 1st offense—\$1,000 2nd offense—Formal action |
| Sections 818.5(f)(5) and (g)(1) and 818.19(38) | Person with revoked or currently suspended dealer or salesperson license physically present during auctioning of vehicles | Each offense \$1,000 |
| Section 818.19(34) | Licensed dealer conducting its business under any name other than its licensed name | 1st offense—\$250 2nd offense—\$500 3rd offense—Formal action |
| Section 818.19(37) | Licensed dealer failing to produce records to an authorized agent of the Board | 1st offense—\$500 2nd offense—\$1,000 3rd offense—Formal action |

*Violations under 49 Pa. Code
Chapter 19*

| | <i>Title / Description</i> | <i>Civil Penalty</i> |
|--------------------------|---|--|
| Section 19.17 | Broker or dealer business identity combined with other businesses | 1st offense—\$100 2nd offense—\$500 |
| Section 19.18(a)(1) | Dealer does not have permanent enclosed building | 1st offense—\$100 2nd offense—\$500 |
| Section 19.18(a)(2) | Dealership does not have private office | 1st offense—\$100 2nd offense—\$500 |
| Section 19.18(a)(3)(i) | Dealer display area for five vehicles or 5,000 square feet | 1st offense—\$100 2nd offense—\$500 |
| Section 19.18(a)(3)(ii) | Display lot not graded and surfaced with required material | 1st offense—\$100 2nd offense—\$500 |
| Section 19.18(a)(3)(iii) | Display area separated from adjacent parking area | 1st offense—\$100 2nd offense—\$500 |
| Section 19.18(a)(3)(iv) | Display area lighted if open evenings | 1st offense—\$100 2nd offense—\$500 |
| Section 19.18(a)(5) | Dealer fails to maintain separate telephone line | 1st offense—\$100 2nd offense—\$500 |
| Section 19.18(a)(6) | Business sign not permanent or visible to the public | 1st offense—\$100 2nd offense—\$500 |
| Section 19.18(a)(7) | Dealership in violation of land use ordinances | 1st offense—\$100 2nd offense—\$500 |
| Section 19.18(a)(9) | Failure to post business hours | 1st offense—\$100 2nd offense—\$500 |

[Pa.B. Doc. No. 12-2469. Filed for public inspection December 21, 2012, 9:00 a.m.]

Title 58—RECREATION

FISH AND BOAT COMMISSION

[58 PA. CODE CHS. 65 AND 75]

Fishing; Special Fishing Regulations and Endangered Species

The Fish and Boat Commission (Commission) amends Chapters 65 and 75 (relating to special fishing regulations; and endangered species). The Commission is publishing this final-form rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code). The amendments modify and update the Commission's fishing regulations.

A. Effective Date

The amendments to §§ 65.5, 65.6 and 65.14 (relating to catch and release areas; delayed harvest artificial lures only areas; and catch and release fly-fishing only areas) will go into effect on January 1, 2013. The amendments to §§ 75.1—75.3 (relating to endangered species; threatened species; and candidate species) will go into effect upon publication of this order in the *Pennsylvania Bulletin*.

B. Contact Person

For further information on the final-form rulemaking, contact Wayne Melnick, Esq., P. O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This final-form rulemaking is available on the Commission's web site at www.fish.state.pa.us.

C. Statutory Authority

The amendments to §§ 65.5, 65.6, 65.14 and 75.3 are published under the statutory authority of section 2102 of the code (relating to rules and regulations). The amend-

ments to §§ 75.1 and 75.2 are published under the statutory authority of section 2305 of the code (relating to threatened and endangered species).

D. Purpose and Background

The final-form rulemaking is designed to improve, enhance and update the Commission's fishing regulations. The specific purpose of the amendments is described in more detail under the summary of changes.

E. Summary of Changes

(1) Currently fishing is not permitted from 1 hour after sunset to 1 hour before sunrise on special regulations areas managed under §§ 65.5, 65.6 and 65.14. None of the other special regulations programs that apply to angling in this Commonwealth carry any type of hourly angling restriction and clear biological rationale does not exist for placing fishing hours restrictions on waters managed under these three programs. Hourly fishing restrictions limit angling opportunity by denying angler access to fishing for part of the day.

For the purpose of simplifying the regulations and to encourage more angling opportunity, the fishing hours restrictions that currently apply to waters managed under these programs should be removed in favor of permitting angling on a 24-hour basis. The Commission therefore amends these sections to read as set forth in the notice of proposed rulemaking published at 42 Pa.B. 3449 (June 16, 2012).

(2) Eastern Mud Turtle (*Kinosternon subrubrum subrubrum*) is a small (3-4 inches) semiaquatic turtle. It has olive to brown colored shell and mottled skin with a domed carapace and two hinges on a reduced plastron. This small turtle is known to live in shallow wetlands and associated uplands that have still-water or slow-water habitats, such as marshes, swamps, seasonal forest

pools, shallow ponds, creeks and ditches, all with soft substrates. In states surrounding this Commonwealth, *K. subrubrum* is listed as critically imperiled (S1) in New York, secure (S5) in Delaware and Maryland and not ranked/under review (SNR/SU) in New Jersey (NatureServe, 2008). White and White (2002) considered *K. subrubrum* to be common in Delmarva's Atlantic Coastal Plain but rare within the Maryland Piedmont (Cecil County). The historical range of *K. subrubrum* in this Commonwealth most likely included the entirety of the Atlantic Coastal Plain. As a result of intensive urbanization throughout the greater Philadelphia landscape, the current distribution in this Commonwealth is restricted to 350 hectares (865 acres) at two sites in Bucks County. These two known sites are located where there are already occurrences of other threatened or endangered species.

The Eastern Mud Turtle was rediscovered in this Commonwealth during the spring of 2008. This signified the first observation of this species in this Commonwealth in 45 years. The Commission engaged a 2-year study for this species which was concluded in 2011. The Eastern Mud Turtle was encountered at only two sites in the entirety of this Commonwealth. These isolated sites are separated by a distance of 5 airline miles, account for an area of only 865 acres (350 hectares) or 1.4 miles² (3.6 km²) and are completely surrounded by the major urban center of the Philadelphia region. The extent of occurrence for *K. subrubrum* in this Commonwealth is 1.4 miles², under the maximum allotment of 40 miles² found in the Commission's Listing Criterion B.1. The area of occupancy for *K. subrubrum* in this Commonwealth is only 1.4 miles², under the maximum allotment of 4 miles² found in the Commission's Listing Criterion B.2, and severely fragmented (Listing Criterion B.2.a). Additionally, declines are projected in the area of occupancy, area/extent/and or quality of habitat, number of locations or subpopulations and number of mature individuals (Listing Criterion B.2.b). Recent studies by the Commission and East Stroudsburg University (Ruhe and LaDuke, 2011) found only 11 total Eastern Mud Turtles in this Commonwealth, meeting the requirements for listing under Listing Criterion C.1 (under 250 mature individuals in this Commonwealth). Due to the low number of individuals found in this Commonwealth, a population decline observed during the recent study and the severe fragmentation of the Atlantic Coastal Plain Province in this Commonwealth, the species also meets Listing Criteria C.1.b.1 and D.1 (severe fragmentation, a decline of any rate and all subpopulations under 50 individuals; and population is characterized by an acute restriction in the area of occupancy (less than 40 square miles) or in number of locations (less than 5)). As the species meets Listing Criteria B.1., B.2., B.2.a., B.2.b, C.1., C.1.b.1 and D.1, the Amphibian and Reptile Technical Committee of the Pennsylvania Biological Survey (PABS) recommended the status of the Eastern Mud Turtle (*Kinosternon subrubrum subrubrum*) be elevated to "endangered" status in this Commonwealth.

Enough information is available to make the determination that this species is critically imperiled in this Commonwealth at present and to justify adding it to the Commonwealth's list of endangered species. Therefore, the Commission adds the Eastern Mud Turtle to the Commonwealth's list of endangered species.

(3) Round Hickorynut (*Obovaria subrotunda*) is a freshwater mussel species distinguished by its almost perfectly round shape. The shell is thick and solid and dark-brown with a lighter band along the posterior-dorsal

surface. It occurs in medium to larger rivers. The physical habitat of the Round Hickorynut has been generally described as consisting of sandy substrates with gravel or clay. The Round Hickorynut is distributed throughout the Ohio River basin (including the Cumberland and Tennessee Rivers) and parts of the Mississippi River basin, ranging from eastern Illinois to western Pennsylvania to Mississippi (Parmalee and Bogan, 1998). This species is also known from western Lake Erie and Lake St. Clair basins.

Historically, this species was reported from nine streams in this Commonwealth including the Ohio River, Beaver River (Mahoning River, Shenango River, Little Shenango River and Pymatuning Creek), Monongahela River and the Allegheny River (Crooked Creek) (Ortmann, 1909a, 1913, 1919; Strayer et al., 1991). Although historical records have been reported from Lake Erie in neighboring Ohio (for example, Shelford and Boesel, 1942), this species has not been reported from this Commonwealth's portion of Lake Erie. Besides Ortmann's efforts (1909a, 1919), few historical mussel surveys of this Commonwealth's freshwater mussel fauna were conducted (see Dennis, 1971 (western Pennsylvania) and Taylor, 1980 (Ohio River mainstem)). The Round Hickorynut may have occurred in other streams of this Commonwealth but was not reported.

Recent surveys, including predredging surveys, within the species' historical range within this Commonwealth (Crooked Creek, Allegheny River, Ohio River, Monongahela River, Beaver River, Mahoning River, Pymatuning Creek and Little Shenango River) did not detect live individuals of the Round Hickorynut. Live individuals of this species were recently detected in the Shenango River between the Pymatuning Reservoir and Shenango River Lake (Bursey, 1987; Nelson and Vilella, 2010; C. Bier, personal communication). Nelson and Vilella's 2010 surveys did not detect Round Hickorynut downstream of Shenango River Lake. The Round Hickorynut is only found in the Shenango River and co-occurs with other State and Federal listed mussel species.

The Round Hickorynut was previously identified by PABS as a State rare species, warranting an S1 ranking (Critically Imperiled in Pennsylvania). It currently meets the following criteria for endangered status: A.2.c. Population reduction suspected to be met within next three generations; B.3. Extent of occupancy less than 50 miles; B.4.a. Severely fragmented or known to exist at fewer than 6 location(s); B.4.b.1. Continuing decline inferred for extent of occurrence; B.4.b.3. Continuing decline inferred in area, extent and/or quality of habitat; and B.4.b.4. Continuing decline inferred in number of locations or subpopulations. Of this Commonwealth's ten historical subpopulations, only the Shenango River subpopulation remains. Based upon the extent of occurrence, number of locations within this Commonwealth and threats to this species, the PABS Mollusk Subcommittee recommended that the Commission list the Round Hickorynut as an endangered species in this Commonwealth.

Enough information is available to make the determination that this species is critically imperiled in this Commonwealth at present and to justify adding it to the Commonwealth's list of endangered species. Therefore, the Commission adds the Round Hickorynut to the Commonwealth's list of endangered species.

(4) Pistolgrip (*Quadrula verrucosa*) is a freshwater mussel that has a posterior ridge that is very pronounced and constriction in the shell at the midpoint and the

posterior slope of the shell is pleated. It occurs in a variety of habitats and conditions, ranging from riffles, runs and pools with variable substrates including mud, sand or coarse and fine gravel (Ortmann, 1919; Williams et al., 2008; Parmalee and Bogan, 1998).

The Pistolgrip is widely distributed throughout the Mississippi River basin including the Ohio, Cumberland and Tennessee River basins and ranges from western Pennsylvania to western Minnesota south to Texas and Mississippi (Parmalee and Bogan, 1998; Williams et al., 2008). The Pistolgrip is also native to the Mobile River basin (Alabama, Georgia, Mississippi and Tennessee) and may occur in other rivers draining into the western Gulf of Mexico (Williams et al., 2008).

Historically, this species was reported from eight streams in this Commonwealth, including the Ohio River, Beaver River (Mahoning River, Shenango River and Pymatuning Creek), Monongahela River (Dunkard Creek) and the Allegheny River (Ortmann, 1913, 1919).

Live individuals of this species were recently detected in the Shenango River between the Pymatuning Reservoir and Shenango River Lake (Bursey, 1987; Nelson and Villella, 2010; C. Bier, personal communication) and downstream of Shenango River Lake (Nelson and Villella, 2010). The Pistolgrip is only found in the Shenango River and co-occurs with other State and Federal listed mussel species.

The Pistolgrip was previously identified by PABS as a State rare species, warranting an S1 ranking (Critically Imperiled in Pennsylvania). The Pistolgrip meets the following endangered species listing criteria: B.3. Extent of occupancy less than 50 miles; B.4.a. Severely fragmented or known to exist at fewer than 6 location(s); B.4.b.1. Continuing decline inferred for extent of occurrence; B.4.b.3. Continuing decline inferred in area, extent and/or quality of habitat; and B.4.b.4. Continuing decline inferred in number of locations or subpopulations. Of this Commonwealth's eight historical subpopulations, only the Shenango River subpopulation remains. Based upon the extent of occurrence, number of locations within the Commonwealth and threats to this species, the PABS Mollusk Subcommittee recommended that the Commission list the Pistolgrip as an endangered species in this Commonwealth.

Enough information is available to make the determination that this species is critically imperiled in this Commonwealth at present and to justify adding it to the Commonwealth's list of endangered species. Therefore, the Commission adds the Pistolgrip to the Commonwealth's list of endangered species.

(5) Rayed Bean (*Villosa fabalis*). On February 14, 2012, the United States Department of the Interior, Fish and Wildlife Service (FWS), designated *Villosa fabalis* (Rayed Bean) and Snuffbox (*Epioblasma triquetra*) as Federally endangered throughout their entire ranges. The Snuffbox was previously listed by the Commission at 39 Pa.B. 3442 (July 11, 2009). The Rayed Bean is a freshwater mussel species known to occur in Illinois, Indiana, Kentucky, Michigan, New York, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia and Ontario, Canada. The Rayed Bean still occurs in the following streams and rivers in this Commonwealth: Allegheny River, French Creek, LeBoeuf Creek, Muddy Creek and Cussewago Creek. The Rayed Bean co-occurs with other State and Federal listed mussel species and is not known from within the permitted sand and gravel dredging area of the Allegheny River.

Section 102 of the code (relating to definitions) defines endangered species as "All species and subspecies of fish

which: (1) have been declared by the Secretary of the United States Department of the Interior to be threatened with extinction and appear on the Endangered Species List or the Native Endangered Species List published in the *Federal Register*; or (2) have been declared by the executive director to be threatened with extinction and appear on the Pennsylvania Endangered Species List published in the *Pennsylvania Bulletin*." Because Rayed Bean has been designated as Federally endangered throughout its range, which includes this Commonwealth, the Commission adds the Rayed Bean to the Commonwealth's list of endangered species.

(6) Chesapeake Logperch (*Percina bimaculata*) is a small to medium size fish (up to 7 inches) in the perch family. Little is known about this species and its habits, but it occurs primarily in larger waterways and lowermost sections of tributaries.

Its National range includes the Chesapeake Bay watershed in the District of Columbia (formerly), Maryland, Pennsylvania and Virginia (formerly), limited to lower sections of the Potomac (now extirpated) and Susquehanna Rivers and tributaries, and a few direct tributaries to the Chesapeake Bay (Haldeman, 1842; Smith and Bean, 1899; Jenkins and Burkhead, 1994).

In this Commonwealth, it occurs only in the Piedmont Province of the lower Susquehanna River drainage. Currently, it is restricted to the Susquehanna River and the lowermost section of four tributaries within the Conowingo Pool (Fishing Creek, Muddy Creek, Peters Creek and Michael Run) located in Lancaster and York Counties. It is also found in the Octoraro Creek watershed in Chester and Lancaster Counties.

The Chesapeake logperch *Percina bimaculata* was recently removed from taxonomic synonymy with the logperch *Percina caprodes* and recognized as a distinct and valid species with a limited global distribution restricted to the Chesapeake Bay watershed (Near, 2008). It meets fish listing criteria B3 and B4 for threatened status. To meet criterion B3, the extent of occupancy must be less than 50 miles in lotic waters (less than 10 miles would qualify for endangered status). The Chesapeake logperch only occurs in approximately 30 combined stream and river miles within this Commonwealth. It also meets criterion B4 which compares distributions using HUC 12 watersheds (within GIS software) to characterize their relative rarity within this Commonwealth. The Chesapeake logperch occupies only 7 of the 641 HUC 12 watersheds (~1%) within the Susquehanna Basin. Also, it is likely extirpated from at least two HUC 12 watersheds, those covering Lake Clarke and Lake Aldred on the Susquehanna River.

The Chesapeake logperch is classified as endangered by the American Fisheries Society Endangered Species Committee (Jelks et al., 2008, Fisheries 33(8): 372–407). It is classified as a threatened species in Maryland, the only other state where it has recently been documented. It is also listed in the 2010 update of Threatened Fishes of the World (Ashton and Near, 2010). The Chesapeake logperch's limited global distribution, extirpation from a significant portion of its historic range and extant threats make it a responsibility species for this Commonwealth and provide justification for listing it as a threatened species in this Commonwealth.

Enough information is available to make the determination that this species is threatened in this Commonwealth at present and to justify adding it to the Commonwealth's list of threatened species. Therefore, the

Commission adds the Chesapeake Logperch to the Commonwealth's list of endangered species.

(7) American Brook Lamprey (*Lampetra appendix*) is one of the nonparasitic lampreys in this Commonwealth. It inhabits small to medium size creeks and, less frequently, large streams and small rivers. Adults generally prefer sandy and gravelly riffles and runs for spawning, while ammocoetes prefer deposits of silt, sand, mud and detritus (Jenkins and Burkhead, 1993).

Its National range includes the Atlantic, Great Lakes and Mississippi River basins from St. Lawrence River, Quebec, west to Minnesota, south to Roanoke River system, Virginia, Tennessee River system, northern Alabama, and St. Francis and White river systems, Missouri and Arkansas; Martin River (Arctic basin), Northwest Territories, to Ugashik and Chatanika River (Pacific basin), Alaska. Populations tend to be uncommon (Page and Burr, 1991) and disjunctive across North America.

In this Commonwealth, it is restricted to the northwest and southeast corners of the State. It is known from the following drainages: Upper Allegheny River and tributaries, middle Allegheny River tributaries, Lake Erie tributaries, upper Genesee River and tributaries and Lower Delaware River tributary (White Clay Creek). It has been collected from Chester, Clarion, Crawford, Elk, Erie, Forest, McKean, Potter, Venango and Warren Counties.

Cooper (1983) shows the main distribution of the American brook lamprey to cover the northwest corner of this Commonwealth, including Lake Erie tributaries, portions of the middle and upper Allegheny River basin and the Genesee River headwaters. Cooper (1983) also cites a small population in White Clay Creek, Chester County. Additional historic data are known to fall within this same general distribution. We have found 9 "104," 6 HUC 8 and 48 HUC 12 watersheds occupied based on historic data at the "104" and HUC 8 level. All historically occupied watersheds had occurrences from both pre-1971 and 1971–1990 periods.

The distribution of recent American brook lamprey collections closely mirrors that of the historic distribution presented by Cooper (1983). Recent data (1991–2011) characterize it as relatively common in numerous waterways within northwest Pennsylvania (Fish and Boat Commission, Pennsylvania State University, R. Criswell and FWS, unpublished data). The FWS's Sea Lamprey Control Program has conducted distributional surveys for lampreys within the Erie Basin (Erie and Crawford Counties) using larval lamprey specific electrofishing gear since the mid-1980s. As a result, excellent lamprey information is available for those streams. Information available for other waterways tends to be less focused and more incidental due to brook lamprey ammocoete habitat preferences, relatively poor ammocoete recruitment to conventional electrofishing gear and short adult life span. In southeastern Pennsylvania (Chester County), the American brook lamprey is found in a relatively small area consisting of a single subbasin. Horowitz et al. (2008) reported American brook lamprey occurrences in four streams from the Mid-Atlantic Piedmont based on a previous study (Sweeney et al., 2004). Populations are also known from New Jersey to the east and from the Delmarva Peninsula to the south (Lee et al., 1980).

The Fishes Technical Committee of PABS reviewed the Heritage rank of the American Brook Lamprey and recommended it be changed from "vulnerable" (S3) to "apparently secure" (S4) status (State Rank Definitions, 1996). The Fishes Technical Committee additionally rec-

ommended "delisting" status based on the aforementioned data and apparent commonality of the species in this Commonwealth (PABS definition of "delisted species"—species which were once listed but now cited for delisting (PABS Suggested Status Definitions, 2005)).

The American brook lamprey was listed in 1999 as a Pennsylvania candidate based on a limited distribution and apparent low numbers. Argent et al. (2000) provided the methodology and rationale for listing the American brook lamprey as a Pennsylvania candidate. Currently available data indicate little if any range reduction has occurred when historic and recent records are compared throughout the four occupied basins (Allegheny, Delaware, Erie and Genesee). Extreme fragmentation, fluctuation or decline of populations has not been documented or suspected. The American brook lamprey in this Commonwealth exceeds minimum requirements for multiple listing criteria. A significant reduction in range within this Commonwealth cannot be seen when historic and recent data were compared (Criteria A1 and A2). The extent of occupancy in streams and rivers is greater than the maximum of 150 miles for candidate status (Criterion B3). The attention paid to this species since being listed is likely responsible for subsequent efforts to survey historic sites and unassessed waters. The American brook lamprey currently appears secure within this Commonwealth, thereby justifying removal from the Commonwealth's list of candidate species. Therefore, the Commission removes the American brook lamprey from the Commonwealth's list of candidate species.

The Commission amends §§ 65.5, 65.6, 65.14, 75.1, 75.2 and 75.3 to read as set forth in the notice of proposed rulemaking.

F. Paperwork

The final-form rulemaking will not increase paperwork and will not create new paperwork requirements.

G. Fiscal Impact

The amendments to Chapter 65 will not have adverse fiscal impact on the Commonwealth or its political subdivisions and will not impose new costs on the private sector or the general public. The amendments to Chapter 75 will not have direct adverse fiscal impact on this Commonwealth or its political subdivisions. The amendments to Chapter 75 will not impose new direct costs on the private sector or the general public. The direct regulatory significance of designating a species as endangered or threatened is limited to prohibiting persons from taking, catching, killing or possessing these species in this Commonwealth. Because none of the species listed have commercial or recreational significance because of their rarity, there are not direct fiscal impacts from providing these protections.

It has been asserted that that the designation of species as endangered or threatened has fiscal impacts on the private sector and the Commonwealth. However, these impacts are indirect in that they flow from the application by other agencies, including the Department of Environmental Protection (Department), of their statutory and regulatory authorities and not from the listings themselves. Therefore, the Commission will continue to rely on the Department and other agencies to examine their programs and determine the fiscal impacts that flow from their responsibilities, including the responsibility to protect rare species in accordance with their own authorities.

In addition, one of the species proposed for State endangered status, the Rayed Bean Mussel, was desig-

nated by the FWS as Federally endangered throughout its entire range on February 14, 2012. This species accordingly would have received protection regardless of the Commission's action. Also, three of the five proposed additions to the list (Pistolgrip Mussel, Round Hickorynut Mussel and Eastern Mud Turtle) co-occur with other listed species within the same waterway or wetland. Therefore, there would be little additional burden placed on projects in those areas.

H. Public Involvement

Notice of proposed rulemaking was published at 42 Pa.B. 3449. The Commission did not receive public comments concerning the proposed amendments to §§ 65.5, 65.6 and 65.14. After the formal comment period, the Commission received one comment from the Department requesting the Commission to delay consideration of its final action on the proposed amendments to §§ 75.1—75.3. A copy of this comment was provided to the Commissioners. As a result of the Department's comment, the Commission deferred consideration of the agenda item to allow its Executive Director to respond to the Department's letter. The Commission's Executive Director responded to the letter and the Commission subsequently adopted the amendments to §§ 75.1—75.3.

Findings

The Commission finds that:

(1) Public notice of intention to adopt the amendments adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided and the public comment received was considered.

(3) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for administration and enforcement of the authorizing statutes.

Order

The Commission, acting under the authorizing statutes, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapters 65 and 75, are amended by amending §§ 65.5, 65.6, 65.14 and 75.1—75.3 to read as set forth at 42 Pa.B. 3449.

(b) The Executive Director will submit this order and 42 Pa.B. 3449 to the Office of Attorney General for approval as to legality and form as required by law.

(c) The Executive Director shall certify this order and 42 Pa.B. 3449 and deposit them with the Legislative Reference Bureau as required by law.

(d) The amendments to §§ 65.5, 65.6 and 65.14 take effect on January 1, 2013. The amendments to §§ 75.1—75.3 take effect upon publication in the *Pennsylvania Bulletin*.

JOHN A. ARWAY,
Executive Director

Fiscal Note: Fiscal Note 48A-237 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 12-2470. Filed for public inspection December 21, 2012, 9:00 a.m.]

FISH AND BOAT COMMISSION [58 PA. CODE CHS. 93, 99, 105 AND 109]

Boating

The Fish and Boat Commission (Commission) amends Chapters 93, 105 and 109 (relating to boat registration and numbering; operational conditions; and specialty boats and waterskiing activities) and rescinds Chapter 99. The Commission is publishing this final-form rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code). The amendments modify and update the Commission's boating regulations.

A. Effective Date

The final-form rulemaking will go into effect on January 1, 2013.

B. Contact Person

For further information on the final-form rulemaking, contact Wayne Melnick, Esq., P. O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This final-form rulemaking is available on the Commission's web site at www.fish.state.pa.us.

C. Statutory Authority

The amendments to §§ 93.2 and 93.3 (relating to permanent and temporary registration; and application for boat registration) and the rescission of Chapter 99 are published under the statutory authority of section 5122 of the code (relating to registrations, licenses, permits, plates and statistics). The amendment to § 93.13 (relating to issuing agents) is published under the statutory authority of section 5304 of the code (relating to issuing agents). The amendment to § 93.102 (relating to application procedure and contents of applications for certificates of title) is published under the statutory authority of section 5325 of the code (relating to rules and regulations). The amendments to §§ 105.3 and 109.4 (relating to unacceptable boating practices; and waterskiing, aquaplaning, kiteskiing and similar activities) are published under the statutory authority of section 5123 of the code (relating to general boating regulations).

D. Purpose and Background

The final-form rulemaking is designed to improve, enhance and update the Commission's administrative and boating regulations. The specific purpose of the amendments is described in more detail under the summary of changes. Prior to final adoption, the Commission solicited the advice and opinion of the Commission's Boating Advisory Board (BAB).

E. Summary of Changes

(1) On June 1 and 2, 2011, the United States Coast Guard's (USCG) Boating Safety Division conducted an onsite program review of the Commonwealth's Recreational Boating Safety (RBS) program. Onsite program reviews are used by the USCG to help determine a state's eligibility to receive funding made available under the Recreational Boating Safety Act (46 U.S.C.A. §§ 13101—13110) for the state RBS program.

During the program review, the USCG identified a deficiency that required corrective action. Specifically, the issuance of a temporary registration certificate and decal that remains valid in excess of 60 days is not in compliance with Federal regulations. Currently, the Commission's regulations allow for temporary boat registrations to be valid for up to 90 days. Failure to correct this

deficiency may jeopardize the Commission's eligibility for funding through the USCG-administered RBS program.

To correct the deficiency, the Commission amends §§ 93.2 and 93.13 to reflect the USCG's application. These amendments will limit the validity of temporary registration certificates and decals to a maximum of 60 days and require issuing agents to enter the expiration date (month/date/year) to ensure that the 60-day maximum is not exceeded. The Commission amends these sections to read as set forth in the notice of proposed rulemaking published at 42 Pa.B. 3446 (June 16, 2012).

(2) Due to changing Federal regulations at the time, the Commission made large-scale amendments to its capacity plate regulations in 1975 to conform to Federal regulations. The Commission again made modifications to its capacity plate regulations in 1994 as part of a year-long comprehensive review and update of the Commonwealth's boating regulations.

During the past 2 years, Commission staff have dealt with a number of capacity plate applications and inquiries that have revealed conflicts between the Commission's regulations and Federal regulations. Further research revealed that the Commonwealth is the only state that had capacity plate regulations that differed from Federal regulations and issued capacity plates. The Commission processed capacity plate applications for boats registered in this Commonwealth as well as boats registered in other states that may not be operated on waters in this Commonwealth. The Commission utilized a capacity plate calculator provided by the USCG that was intended to provide guidance to boaters rather than to be used to meet State or Federal regulations. In fact, the USCG recently informed the Commission that it should discontinue its use of the capacity plate calculator for these purposes.

Federal capacity plate requirements apply to manufacturers and are enforced by the USCG. Therefore, it is unnecessary for the Commission to promulgate regulations regarding capacity plate requirements. The Commission accordingly rescinds Chapter 99. As a result of rescinding Chapter 99, the references to capacity plate information in §§ 93.3(2)(x) and 93.102(b)(11), which required applicants to provide capacity plate information for boat registrations and certificates of title, respectively, is also deleted. The Commission rescinds Chapter 99 and amends §§ 93.3(2)(x) and 93.102(b)(11) to read as set forth in the notice of proposed rulemaking.

(3) Based on information presented at its February 8, 2011, meeting, the BAB recommended amending §§ 105.3 and 109.4 regarding the operation of boats engaged in the activity of wake surfing. Specifically, the BAB recommended that the Commission adopt a 300-foot slow, no-wake zone for boats engaged in the activity of wake surfing, exclude wake surfing from the 20-foot minimum tow rope requirement, adopt a definition of "wake surfing," and allow wake surfing participants to wear a specifically designed wetsuit instead of the USCG-approved personal flotation device.

To date, there have not been propeller strike accidents reported Nationwide for participants in wake surfing activities. Boats with inboard motors are the preferred configuration for wake surfing activity. The propellers of inboard motors are located in front of the boat's transom and pose less risk to a person being towed. Outboard and inboard/outboard motors pose a much greater risk to persons being towed since the propeller is located aft of the transom. Outboards and inboard/outboards used for

wake surfing are often trimmed up to create more wake which increases exposure to the propeller. The Water Sports Industry Association has been working with states to encourage the use of "model language" in crafting legislation or regulations to protect the safety of towed watersport participants, such as wake surfers. The Commission therefore adopts this model language in § 105.3(12) in addition to the changes previously recommended by the BAB to § 105.3(11). Additionally, the Commission clarifies the 20-foot measurement for tow ropes as being measured from the transom of the boat.

As previously noted, the BAB previously recommended the Commission adopt a 300-foot slow, no-wake zone for boats engaged in the activity of wake surfing. This recommendation was made in an effort to limit disturbance and damage resulting from excessive wakes created by boats engaged in wake surfing activity. However, upon further research of other states' regulations and a United States Naval Academy study on wave height and energy, Commission staff concluded that a 300-foot slow, no-wake zone will provide minimal additional benefits and unnecessarily limit wake surfing activity as compared to a 200-foot slow, no-wake zone. The Commission therefore adds § 109.4(k) to contain additional regulations specific to wake surfing, including a slow, no-wake zone of 200 feet. The Commission amends §§ 105.3 and 109.4 to read as set forth in the notice of proposed rulemaking.

F. Paperwork

The final-form rulemaking will not increase paperwork and will not create new paperwork requirements.

G. Fiscal Impact

The final-form rulemaking will not have adverse fiscal impact on the Commonwealth or its political subdivisions. The final-form rulemaking will not impose new costs on the private sector or the general public.

H. Public Involvement

Notice of proposed rulemaking was published at 42 Pa.B. 3446. The Commission did not receive public comments concerning the proposed amendments to §§ 93.2, 93.3, 93.13 and 93.102 or the proposed rescission of Chapter 99. The Commission received a total of eight comments concerning the proposed amendments to §§ 105.3 and 109.4—one prior to, six during and one after the formal comment period. The majority of comments supported the amendments with the primary reasons being enhanced safety for the participants and the rapid growth of the sport.

Findings

The Commission finds that:

(1) Public notice of intention to adopt the amendments adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided and the public comments received were considered.

(3) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for administration and enforcement of the authorizing statutes.

Order

The Commission, acting under the authorizing statutes, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapters 93, 99, 105 and 109, are amended by deleting

§§ 99.1—99.7 and amending §§ 93.2, 93.3, 93.13, 93.102, 105.3 and 109.4 to read as set forth at 42 Pa.B. 3446.

(b) The Executive Director will submit this order and 42 Pa.B. 3446 to the Office of Attorney General for approval as to legality and form as required by law.

(c) The Executive Director shall certify this order and 42 Pa.B. 3446 and deposit them with the Legislative Reference Bureau as required by law.

(d) This order takes effect January 1, 2013.

JOHN A. ARWAY,
Executive Director

Fiscal Note: Fiscal Note 48A-236 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 12-2471. Filed for public inspection December 21, 2012, 9:00 a.m.]

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 115]

Boating; Boats Carrying Passengers for Hire

The Fish and Boat Commission (Commission) amends 58 Pa. Code Chapter 115 (relating to boats carrying passengers for hire). The Commission is publishing this final-form rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code).

A. *Effective Date*

The final-form rulemaking will go into effect on January 1, 2013.

B. *Contact Person*

For further information on the final-form rulemaking, contact Wayne Melnick, Esq., P.O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This final-form rulemaking is available on the Commission's web site at www.fish.state.pa.us.

C. *Statutory Authority*

The amendments to Chapter 115 are published under the statutory authority of section 5123(a)(1) of the code (relating to general boating regulations) and deemed necessary for the health and safety of passengers, operators and persons on, in or towed by boats on, in or along the waters of this Commonwealth.

D. *Purpose and Background*

The final-form rulemaking is designed to improve, enhance and update the Commission's boating regulations. The specific purpose of the final-form rulemaking is described in more detail under the summary of changes.

E. *Summary of Changes*

Chapter 115, regarding the operation of boats carrying passengers for hire, was adopted in 1994. With the exception of some minor procedural amendments in 1999 and 2003, significant changes have not been made to the regulations in the past 18 years. During this period, boat accidents involving passenger for hire vessels have occurred in other states, most notably the capsizing of the tour boat *Ethan Allen* on Lake George, New York in 2005, which prompted Commission staff to re-examine the Commission's current regulations. In July 2011, a workgroup consisting of Commission staff, a passenger for hire business owner and vessel operator met to discuss proposed amendments to the regulations.

The most significant proposed amendments involved a requirement that the passenger capacity of vessels in the program be determined through United States Coast Guard-approved stability testing. The current passenger for hire fleet in this Commonwealth numbers 18 vessels owned and operated by 13 businesses. The vessels are tour boats and range in size from 18 to 75 feet. Most are pontoon boats with the exception of four larger vessels operated on Lake Raystown and Conneaut Lake. Under the current regulations, only boats carrying more than 49 passengers or having more than 1 passenger carrying deck are required to undergo stability testing. In all other cases, passenger capacity is determined by means of manufacturer supplied capacity plates. In the *Ethan Allen* accident, the vessel was initially rated for 50 passengers but had been modified with the addition of a solid canopy and other superstructure. On the day of the accident, the *Ethan Allen* carried 47 passengers plus the operator and capsized after striking the wake of another vessel during a turn. Twenty passengers died as a result of the accident. The National Transportation Safety Board concluded that had the vessel undergone appropriate stability testing after modification, it would have been certified for only 14 passengers. Members of the workgroup agreed that requiring stability testing on passenger for hire boats is the most appropriate method to address concerns regarding capacity and loading. After obtaining an initial test, boats will not be required to have a new stability test unless modified or involved in an accident.

Other proposed amendments to Chapter 115 included the following:

- Increasing the required amount of liability insurance to reflect more realistic damage and personal injury estimates in case of an accident.
- A housekeeping change to indicate that passenger for hire vessels are now a Bureau of Law Enforcement program area.
- Eliminating the requirement that licensed operators disclose changes in their physical condition when applying for renewal of their license and instead requiring that operators obtain a new physical examination with each renewal of their license.
- Removing the requirement that the vessel operator license, currently an 8 1/2" x 11" paper certificate, be displayed on the boat next to the certificate of inspection in favor of the issuance of a wallet sized identification card that the operator will be required to carry and display while in operation of the boat.
- Adding language indicating that operator licenses are good on water under the jurisdiction of the Commonwealth for vessels up to and including the size listed on the license and thereby clarifying the intent that operators may work on any passenger for hire vessel certified by the Commission and are not limited to one employer.
- Eliminating the requirement that the Commission maintain an approved list of marine surveyors in favor of a requirement that marine surveys be conducted by individuals accredited through one of the National marine surveyors associations.
- Adding language indicating that individuals with United States Coast Guard certification appropriate to the size and type of boat they intend to operate in the Commission's program will be able to obtain a waiver of the state licensing requirements upon presentation of their Coast Guard credentials and certification in CPR and first aid.

Notice of proposed rulemaking was published at 42 Pa.B. 4472 (July 14, 2012). The Commission received seven comments during and one comment after the formal public comment period mostly from current operators of passenger for hire vessels. The comments expressed concerns about the cost of implementing various aspects of the proposed rulemaking, including stability testing, first aid and CPR certification, and drug testing. Upon consideration of the public comments and further research, the Commission adopted the following modifications to the proposed rulemaking on final-form rulemaking:

- In § 115.3(a)(1) (relating to recertification), the Commission deleted the requirement for an in-water inspection and changed the frequency of the dry dock examination by a qualified accredited marine surveyor to at least once every 5 years from the proposed 3 years. This frequency was suggested by an operator and coincides with the recommendation in the National Association of State Boating Law Administrators' Model Act for Charter Boat Safety.

- In § 115.3(a)(2), the Commission removed the requirement that boats undergo stability testing to maintain certification and limit stability testing to only those boats that have been involved in an accident or have been structurally modified.

- The Commission withdrew the requirement for operators and crew to possess and maintain certification in CPR and first aid in §§ 115.8(c)(4) and 115.9(e) and (h) (relating to personnel requirements of passenger carrying boats; and licenses for operators).

- The Commission withdrew the requirement for standard drug screen for operators in § 115.9(b).

The Commission amends §§ 115.3 and 115.9 to read as set forth in Annex A. The Commission withdraws the proposed amendment to § 115.8. The Commission amends all other sections in Chapter 115 to read as set forth in the notice of proposed rulemaking.

F. Paperwork

The final-form rulemaking will not increase paperwork and will not create new paperwork requirements.

G. Fiscal Impact

The final-form rulemaking will not have adverse fiscal impact on the Commonwealth or its political subdivisions. The final-form rulemaking will impose increased costs on the private sector for marine surveys and stability tests. The final-form rulemaking will increase the frequency of dry dock examinations from once every 6 years to once every 5 years. Examinations are estimated to cost between \$500 and \$800 depending upon the boat. Stability testing will be an expense if a boat is modified or involved in an accident. Testing is estimated to cost between \$600 and \$1,500 for most boats. Testing for boats with hulls 65 feet or longer or unusual hull designs may range from \$3,500 to \$10,000. The final-form rulemaking will not impose new costs on the general public.

H. Public Involvement

As previously noted, the Commission received a total of eight comments mostly from current operators of passenger for hire vessels. The comments expressed concerns about the cost of implementing various aspects of the proposed rulemaking including stability testing, first aid and CPR certification, and drug testing. Copies of the public comments were provided to the Commissioners.

Findings

The Commission finds that:

(a) Public notice of intention to adopt the amendments adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided and the public comments were considered.

(3) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for administration and enforcement of the authorizing statutes.

Order

The Commission, acting under the authorizing statutes, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 115, are amended by amending §§ 115.1, 115.2, 115.4, 115.5, 115.7, 115.10 and 115.12 to read as set forth at 42 Pa.B. 4472 and by amending §§ 115.3 and 115.9 to read as set forth in Annex A.

(*Editor's Note:* The proposed amendment to § 115.8 has been withdrawn by the Commission.)

(b) The Executive Director will submit this order, 42 Pa.B. 4472 and Annex A to the Office of Attorney General for approval as to legality and form as required by law.

(c) The Executive Director shall certify this order, 42 Pa.B. 4472 and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect on January 1, 2013.

JOHN A. ARWAY,
Executive Director

Fiscal Note: Fiscal Note 48A-235 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart C. BOATING

CHAPTER 115. BOATS CARRYING PASSENGERS FOR HIRE

§ 115.3. Recertification.

(a) A boat carrying passengers for hire shall have reinspections and recertifications as follows:

(1) A dry dock examination shall be conducted by a qualified accredited marine surveyor at least once every 5 years.

(2) A stability test shall be conducted whenever a boat has been involved in an accident or has been structurally modified. The stability test shall be United States Coast Guard-approved, suitable for the type and size of boat and utilize the current Assumed Average Weight per Person standard adopted by the United States Coast Guard.

(b) The owner will forward to the Commission a copy of the recertification report along with other documents requested by the Commission.

§ 115.9. Licenses for operators.

(a) *Eligibility.* Persons, 18 years of age and older, in good physical condition and who possess a valid Boating

Safety Education Certificate are eligible for licensing as operators of passenger-carrying boats.

(b) *Physical examination.* The physical condition of an applicant for an operator's license shall be certified by a physician after a physical examination. The physician's certification must include a statement attesting that the applicant displays normal color vision. This requirement may be waived if the operation of vessels for which the license is sought will be limited to daylight hours.

(c) *Application.* An application for a boat operator's license shall be made on the form provided by the Commission. The completed form shall be submitted with the applicable fee as listed in section 5104(a)(6) of the code (relating to fees).

(d) *Examination.* An applicant for a boat operator's license shall pass a professional examination to demonstrate sufficient experience and capabilities to assume the responsibilities for operation of a passenger-carrying boat. Examination will include oral questions and a practical test of boating skills using the boat—or a boat of identical size and type—for which an operator's license is being requested. If the applicant does not pass the oral examination or the practical test, 30 days is required prior to taking a retest. A request for the retest shall be submitted on Form PFBC-292.

(e) *Contents and display of boat operator's license.* The operator's license shall contain a photograph of the licensee. In addition, it will list the name and the limitations on the operator with respect to size of vessel authorized to operate and day or night restrictions. Licenses issued under this section are valid on any water under the sole jurisdiction of the Commonwealth for boats up to and including the size listed on the license. The Commission will validate the operator's license. The operator shall carry and display the license while in actual operation of a passenger carrying boat and produce the license upon request of the Commission.

(f) *Expiration.* Licenses issued under this section will expire on December 31, 5 years from the date of issuance.

(g) *Waiver.* The Commission will waive the licensing requirement of this section for an individual possessing a current valid United States Coast Guard certification appropriate for the size and type of boat he intends to operate upon presentation of proof of his Coast Guard Merchant Mariner Credential or other Coast Guard certification.

[Pa.B. Doc. No. 12-2472. Filed for public inspection December 21, 2012, 9:00 a.m.]

PROPOSED RULEMAKING

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 65]

Fishing; Special Fishing Regulations

The Fish and Boat Commission (Commission) proposes to amend Chapter 65 (relating to special fishing regulations). The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code). The proposed amendments modify and update the Commission's fishing regulations.

A. Effective Date

The proposed rulemaking, if approved on final-form rulemaking, will go into effect on upon publication in the *Pennsylvania Bulletin*.

B. Contact Person

For further information on the proposed rulemaking, contact Wayne Melnick, Esq., P. O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This proposed rulemaking is available on the Commission's web site at www.fish.state.pa.us.

C. Statutory Authority

The proposed rescission of § 65.10 (relating to Early Season Trout Stocked Waters Program) is published under the statutory authority of section 2102(a) of the code (relating to rules and regulations).

D. Purpose and Background

The proposed rulemaking is designed to improve, enhance and update the Commission's fishing regulations. The specific purpose of the proposed amendments is described in more detail under the summary of proposal.

E. Summary of Proposal

As implemented for the 1995 season, the Early Season Trout Stocked Waters Program (Program) was intended to expand angling opportunities through March on a select group of trout stocked lakes and two tail water areas. Under this Program, approximately 30% of the preseason trout allocation is stocked during the late winter (January or February). During March, fishing is allowed under extended season regulations, which permit the harvest of three trout per day. The season closes at midnight March 31 and the remainder of the preseason allocation is stocked between April 1 and opening day. In 2012, a total of 45 waters (43 lakes and 2 tailwaters) were included in this Program. All of these waters are located within the region of this Commonwealth where the traditional opening day of trout season applies.

Before the implementation of the Program, most of these waters received their preseason stocking in early March. Currently, these waters require over 40 truck trips to provide a preseason stocking in the short time period between April 1 and opening day. By eliminating this Program, the distribution trips used to stock these waters in April will be better used to stock other waters that require stocking closer to opening day due to trout residency or water quality issues. Furthermore, trout regulations will be simplified by eliminating one special regulation program. The Commission therefore proposes that § 65.10 be rescinded to read as set forth in Annex A.

F. Paperwork

The proposed rulemaking will not increase paperwork and will not create new paperwork requirements.

G. Fiscal Impact

The proposed rulemaking will not have adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed rulemaking will not impose new costs on the private sector or the general public.

H. Public Comments

Interested persons are invited to submit written comments, objections or suggestions about the proposed rulemaking to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically by completing the form at www.fishandboat.com/regcomments. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

JOHN A. ARWAY,
Executive Director

Fiscal Note: 48A-239. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart B. FISHING

CHAPTER 65. SPECIAL FISHING REGULATIONS

§ 65.10. [Early Season Trout Stocked Waters Program] (Reserved).

[(a) The Executive Director, with the approval of the Commission, may designate waters as part of the Early Season Trout Stocked Waters Program. The designation of waters as part of the Early Season Trout Stocked Waters Program shall be effective upon publication of a notice of designation in the *Pennsylvania Bulletin*.

(b) It is unlawful to fish in waters designated as part of the Early Season Trout Stocked Waters Program except in compliance with the following requirements:

(1) Notwithstanding § 63.3 (relating to fishing in approved trout waters), fishing is permitted from March 1 until midnight, March 31.

(2) The daily creel limit is: three combined species during the period from the day after Labor Day until midnight, March 31 of the following year. Except during this period, the Statewide creel limits apply (See § 61.1 (relating to Commonwealth inland waters)).

(3) Except as otherwise provided in this section, Statewide regulations (including size and creel limits) apply to waters in the Early Season Trout Stocked Waters Program.

(c) Notwithstanding the requirements of this section, an angler in a boat may possess fish caught in compliance with the seasons, sizes and creel limits in effect for the water from which taken, provided that the boat angler floats through the water designated as part of the Early Season Trout Stocked Waters Program without stopping or engaging in the act of fishing or the boat angler takes out his boat at an access point within the water designated as part of the Early Season Trout Stocked Waters Program.]

[Pa.B. Doc. No. 12-2473. Filed for public inspection December 21, 2012, 9:00 a.m.]

NOTICES

DEPARTMENT OF BANKING AND SECURITIES

Actions on Applications

The Department of Banking and Securities (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking and Securities Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending December 4, 2012.

Under section 503.E of the Department of Banking and Securities Code (71 P. S. § 733-503.E), any person wishing to comment on the following applications, with the exception of branch applications, may file their comments in writing with the Department of Banking and Securities, Corporate Applications Division, 17 North Second Street, Suite 1300, Harrisburg, PA 17101-2290. Comments must be received no later than 30 days from the date notice regarding receipt of the application is published in the *Pennsylvania Bulletin*. The nonconfidential portions of the applications are on file at the Department and are available for public inspection, by appointment only, during regular business hours. To schedule an appointment, contact the Corporate Applications Division at (717) 783-2253. Photocopies of the nonconfidential portions of the applications may be requested consistent with the Department's Right-to-Know Law Records Request policy.

BANKING INSTITUTIONS

Branch Applications

De Novo Branches

| <i>Date</i> | <i>Name and Location of Applicant</i> | <i>Location of Branch</i> | <i>Action</i> |
|-------------|---|--|---------------|
| 11-28-2012 | Northwest Savings Bank Warren Warren County | 118 South Main Street Zelienople Butler County | Filed |

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

No activity.

The Department's web site at www.dobs.state.pa.us includes public notices for more recently filed applications.

GLENN E. MOYER,
Secretary

[Pa.B. Doc. No. 12-2474. Filed for public inspection December 21, 2012, 9:00 a.m.]

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

Manufactured Housing Installation Program; Approved Training Curriculum for Construction Code Officials

Under 12 Pa. Code § 149.5(d) (relating to building code official training), the Department of Community and Economic Development (Department) publishes the list of approved training curriculum for those code officials who inspect the installation of manufactured homes. Persons that have successfully completed the training curriculum listed will have satisfied the requirement in 12 Pa. Code § 149.5(e).

IRC 101—International Residential Code Building Essentials administered by the Pennsylvania Construction Codes Academy.

IRC 103—How to Inspect Manufactured and Modular Housing administered by the Pennsylvania Construction Codes Academy.

BCO 101—Building Code Official Course and Exam administered by the Pennsylvania Construction Codes Academy.

BCO 111—The ABC's of Permitting Manufactured and Industrialized Structures administered by the Pennsylvania Construction Codes Academy.

Manufactured Housing Program and Basic Installer Training administered by Department of Community and Economic Development, Housing Standards Division.

Manufactured Housing Installer Update Training administered by Department of Community and Economic Development, Housing Standards Division.

In addition to the approved training programs listed, the Department may provide a workshop for code officials who request training. Code officials may contact the Department to request more information on scheduling a workshop.

Program inquiries should be directed to Mark A. Conte, Chief, Housing Standards Division, Department of Community and Economic Development, 4th Floor, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120-0225, (717) 720-7416, mconte@pa.gov.

C. ALAN WALKER,
Secretary

[Pa.B. Doc. No. 12-2475. Filed for public inspection December 21, 2012, 9:00 a.m.]

Manufactured Housing Installation Program; Approved Training Curriculum for Installers

Under 12 Pa. Code § 149.4(a)(4) (relating to installer training and certification), the Department of Community and Economic Development publishes the list of approved training curriculum for those persons seeking certification as installers of manufactured homes. Persons that have successfully completed the training curriculum listed will be eligible to apply for certification as an installer as defined in section 3 of the Manufacturing Housing Improvement Act (35 P. S. § 1658.3).

Manufactured Housing Program and Basic Installer Training administered by the Department of Community and Economic Development, Housing Standards Division.

Persons already certified as installers are required to complete a specified training curriculum every 3 years as provided for in 12 Pa. Code § 149.4(b)(iii). The following training curriculum is approved for those installers:

Manufactured Housing Installer Update Training administered by Department of Community and Economic Development, Housing Standards Division.

Manufactured Housing Program and Basic Installer Training administered by Department of Community and Economic Development, Housing Standards Division.

Program inquiries should be directed to Mark A. Conte, Chief, Housing Standards Division, Department of Community and Economic Development, 4th Floor, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120-0225, (717) 720-7416, mconte@pa.gov.

C. ALAN WALKER,
Secretary

[Pa.B. Doc. No. 12-2476. Filed for public inspection December 21, 2012, 9:00 a.m.]

DEPARTMENT OF EDUCATION

Application of Ronald D. Roda for Reinstatement of Teaching Certificates; Doc. No. RE 12-03

Notice of Hearing

Under the Professional Educator Discipline Act (act) (24 P. S. §§ 2070.1a—2070.18a), the Professional Standards and Practices Commission (Commission) has initiated hearing procedures to consider the application of Ronald D. Roda for reinstatement of his teaching certificates.

On or about July 26, 2012, Ronald D. Roda filed an application for reinstatement of his teaching certificates

under section 16 of the act (24 P. S. § 2070.16), 1 Pa. Code §§ 35.1 and 35.2 (relating to applications) and 22 Pa. Code § 233.123 (relating to reinstatements). Under section 16 of the act, the Department of Education on November 26, 2012, recommended to the Commission that the application be denied.

In accordance with the act and 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure), the Commission will appoint a hearing examiner to serve as presiding officer to conduct the proceedings and hearings as might be necessary, and to prepare a proposed report to the Commission containing findings of fact, conclusions of law and a recommended decision on the application.

Interested parties who wish to participate in these hearing procedures must file a notice of intervention or a petition to intervene in accordance with 1 Pa. Code §§ 35.27—35.32 (relating to intervention) within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Persons objecting to the approval of the application may also, within 30 days after publication of this notice in the *Pennsylvania Bulletin*, file a protest in accordance with 1 Pa. Code § 35.23 (relating to protest generally).

Notices and petitions to intervene and protest shall be filed with Carolyn Angelo, Executive Director, Professional Standards and Practices Commission, 333 Market Street, Harrisburg, PA 17126-0333, on or before 4 p.m. on the due date prescribed by this notice. Persons with a disability who wish to attend the hearings and require an auxiliary aid, service or other accommodation to participate should contact Suzanne Markowicz at (717) 787-6576 to discuss how the Commission may best accommodate their needs.

CAROLYN ANGELO,
Executive Director

[Pa.B. Doc. No. 12-2477. Filed for public inspection December 21, 2012, 9:00 a.m.]

Hearing Regarding Request for Cyber Charter Amendment

The Department of Education (Department) has scheduled a public hearing regarding Achievement House Cyber Charter School's request to amend its cyber charter. The amendment request was received on October 4, 2012. The hearing will be held on Thursday, February 7, 2013, beginning at 9 a.m. in Heritage Room A, lobby level, 333 Market Street, Harrisburg, PA. The purpose of the hearing is to gather information from the cyber charter school about the request to amend its cyber charter and receive comments from interested persons regarding the request. The request can be viewed on the Department's web site at www.education.state.pa.us.

The cyber charter school will have 30 minutes to present information about the requested amendment to its cyber charter. Persons who wish to provide comments during the hearing must send the Department and the cyber charter school a copy of the comments on or before January 14, 2013. Failure to comply with this deadline will preclude the respective person from providing verbal comments at the hearing. Verbal comments may be limited, based on the number of persons requesting time to provide comments and may also be limited if the comments are duplicative or repetitive of another person's comments.

The hearing will be conducted by the panel of individuals who have completed an initial review of the request. The panel members may question the cyber charter school regarding issues identified during their review, as well as issues raised in the written comments filed before the hearing date. Panel members may also question persons who offer verbal comments. Commentators will not be permitted to question either the cyber charter school or the panel members. Persons who are unable to attend the hearing may also provide the Department and the cyber charter school with written comments on or before January 23, 2013. Written comments provided to the Department by this deadline will become part of the certified record.

Comments sent to the Department should be addressed to Marlene Kanuck, Bureau of Teaching and Learning, 333 Market Street, 5th Floor, Harrisburg, PA 17126-0333.

An agenda will be prepared after January 28, 2013, when the Department is aware of the number of persons who wish to provide verbal comments at the hearing. That agenda will provide the order of presentation, as well as specify the amount of time allotted to each commentator. The agenda will be posted on the Department's web site http://www.portal.state.pa.us/portal/server.pt/community/charter_schools/7356/applying_to_become_a_charter_school_in_pa/508181 under Public Hearing Notices.

For questions regarding this hearing, contact Marlene Kanuck at (717) 783-9294 or mkanuck@pa.gov.

RONALD J. TOMALIS,
Secretary

[Pa.B. Doc. No. 12-2478. Filed for public inspection December 21, 2012, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT APPLICATIONS FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS

This notice provides information about persons who have applied for a new, amended or renewed NPDES or WQM permit, a permit waiver for certain stormwater discharges or submitted a Notice of Intent (NOI) for coverage under a General Permit. The applications concern, but are not limited to, discharges regarding industrial, animal or sewage waste, discharges to groundwater, discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities or concentrated animal feeding operations (CAFO). This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

| <i>Location</i> | <i>Permit Authority</i> | <i>Application Type or Category</i> |
|-----------------|-------------------------|--|
| Section I | NPDES | Renewals |
| Section II | NPDES | New or Amendment |
| Section III | WQM | Industrial, Sewage or Animal Waste; Discharge into Groundwater |
| Section IV | NPDES | MS4 Individual Permit |
| Section V | NPDES | MS4 Permit Waiver |
| Section VI | NPDES | Individual Permit Stormwater Construction |
| Section VII | NPDES | NOI for Coverage under NPDES General Permits |

For NPDES renewal applications in Section I, the Department of Environmental Protection (Department) has made a tentative determination to reissue these permits for 5 years subject to effluent limitations and monitoring and reporting requirements in their current permits, with appropriate and necessary updated requirements to reflect new and changed regulations and other requirements.

For applications for new NPDES permits and renewal applications with major changes in Section II, as well as applications for MS4 Individual Permits and Individual Stormwater Construction Permits in Sections IV and VI, the Department, based upon preliminary reviews, has made tentative determinations of proposed effluent limitations and other terms and conditions for the permit applications. In accordance with 25 Pa. Code § 92a.32(d), the proposed discharge of stormwater associated with construction activities will be managed in accordance with the requirements of 25 Pa. Code Chapter 102. These determinations are published as proposed actions for comments prior to taking final actions.

Unless indicated otherwise, the United States Environmental Protection Agency (EPA) Region III Administrator has waived the right to review or object to proposed NPDES permit actions under the waiver provision in 40 CFR 123.24(d).

Persons wishing to comment on NPDES applications are invited to submit statements to the contact office noted before the application within 30 days from the date of this public notice. Persons wishing to comment on WQM permit applications are invited to submit statements to the office noted before the application within 15 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the applications. A comment submittal should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests for public hearings on applications. A public hearing may be held if the responsible office considers the public response significant. If a hearing is scheduled, a notice of the hearing will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. The Department will postpone its final determination until after a public hearing is held.

Persons with a disability who require an auxiliary aid, service, including TDD users, or other accommodations to seek additional information should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

I. NPDES Renewal Applications

Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570-826-2511.

| <i>NPDES No. (Type)</i> | <i>Facility Name & Address</i> | <i>County & Municipality</i> | <i>Stream Name (Watershed No.)</i> | <i>EPA Waived Y/N?</i> |
|-----------------------------|--|--------------------------------------|--|----------------------------|
| PA0044920 (IW) | Lehighon Electronics Inc. 15 Blakeslee Blvd West (Route 443 and Seneca Ave) Lehighon, PA 18235-0328 | Carbon County Mahoning Township | Mahoning Creek (2-B) | Y |

Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.

| <i>NPDES No. (Type)</i> | <i>Facility Name & Address</i> | <i>County & Municipality</i> | <i>Stream Name (Watershed #)</i> | <i>EPA Waived Y/N?</i> |
|-----------------------------|---|---|--|----------------------------|
| PA0261092 (Sew) | Graham & Carla Snyder 1144 Piketown Road Harrisburg, PA 17112 | Dauphin County / West Hanover Township | UNT Beaver Creek / 7D | Y |
| PA0082163 (Sew) | New Life For Girls PO Box 170 Dover, PA 17315 | York County Conewago Township | UNT Laurel Run / 7-F | Y |
| PA0246522 (Sew) | Richard L. Wright Heritage Cove Resort 1172 River Road PO Box 118 Saxton, PA 16678 | Bedford County Liberty Township | Raystown Branch Juniata River / 11-D | Y |
| PA0084476 (Sew) | Girl Scouts in the Heart of Pennsylvania Camp Small Valley 350 Hale Avenue Harrisburg, PA 17104 | Dauphin County Jefferson Township | UNT to Armstrong Creek / 6-C | Y |
| PA0085669 (Sew) | Centerport Borough Municipal Authority 110 Callowhill Road PO Box 248 Centerport, PA 19516 | Berks County Centerport Borough | Irish Creek / 3-B | Y |

II. Applications for New or Expanded Facility Permits, Renewal of Major Permits and EPA Non-Waived Permit Applications

Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401

PA0051365, IW, SIC Code 4941, **Aqua Pennsylvania Inc.**, and 762 W. Lancaster Avenue, Bryn Mawr, PA 19010-3402. Facility Name: Ingrams Mill WTP. This existing facility is located in East Bradford Township, **Chester County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of wastewater.

The receiving stream(s), East Branch Brandywine Creek, is located in State Water Plan watershed 3H and is classified for Warm Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a filter backwash water and sedimentation wastewater flow of 0.22 MGD.

| <i>Parameters</i> | <i>Mass (lb/day)</i> | | | <i>Concentration (mg/l)</i> | | |
|-------------------------|----------------------------|--------------------------|----------------|-----------------------------|--------------------------|-----------------------------|
| | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Minimum</i> | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Instant. Maximum</i> |
| Flow (MGD) | Report | Report | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6.0 | XXX | XXX | 9.0 |
| Dissolved Oxygen | XXX | XXX | XXX | Report | Report | XXX |
| Total Residual Chlorine | XXX | XXX | XXX | 0.35 | 0.70 | 0.73 |

| <i>Parameters</i> | <i>Mass (lb/day)</i> | | | <i>Concentration (mg/l)</i> | | |
|-------------------------|----------------------------|--------------------------|----------------|-----------------------------|--------------------------|-----------------------------|
| | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Minimum</i> | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Instant. Maximum</i> |
| CBOD ₅ | Report | XXX | XXX | Report | Report | XXX |
| Total Suspended Solids | XXX | XXX | XXX | 20 | 40 | 50 |
| Turbidity | XXX | XXX | XXX | Report Daily Avg | XXX | Report |
| Nitrate-Nitrite as N | Report | XXX | XXX | Report | Report | XXX |
| Total Nitrogen | Report | XXX | XXX | Report | Report | XXX |
| Ammonia-Nitrogen | Report | XXX | XXX | Report | Report | XXX |
| Total Kjeldahl Nitrogen | Report | XXX | XXX | XXX | XXX | XXX |
| Total Phosphorus | Report | XXX | XXX | Report | Report | XXX |
| Total Aluminum | XXX | XXX | XXX | 4.0 | 8.0 | 10.0 |
| Total Iron | XXX | XXX | XXX | 2.0 | 4.0 | 5.0 |
| Total Manganese | XXX | XXX | XXX | 1.0 | 2.0 | 2.5 |
| Chlorodibromomethane | XXX | XXX | XXX | Report | Report | XXX |
| Dichlorobromomethane | XXX | XXX | XXX | Report | Report | XXX |
| Chloroform | XXX | XXX | XXX | Report | Report | XXX |

In addition, the permit contains the following major special conditions:

- A. Remedial Measures if Unsatisfactory Effluent
- B. BAT/ELG Reopener
- C. Change of Ownership
- D. Sludge Disposal Requirement
- E. TMDL/WLA Analysis
- F. I-Max
- G. Laboratory Certification
- H. TRC Requirement
- I. Sedimentation Basin Cleaning
- J. Chemical Additives

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 484-250-5910.

The EPA Waiver is in effect.

PA0021857, Sewage, SIC Code 4952, **Souderton Borough Montgomery County**, 31 W. Summit Street, Souderton, PA 18964. Facility Name: Souderton Borough STP. This existing facility is located in Souderton Borough, **Montgomery County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Sewage.

The receiving stream(s), Unnamed Tributary to Skippack Creek, is located in State Water Plan watershed 3-E and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 2 MGD.

| <i>Parameters</i> | <i>Mass (lb/day)</i> | | | <i>Concentration (mg/l)</i> | | |
|-----------------------------|----------------------------|---------------------------|--------------------------|-----------------------------|---------------------------|-----------------------------|
| | <i>Average Monthly</i> | <i>Weekly Average</i> | <i>Inst. Minimum</i> | <i>Average Monthly</i> | <i>Weekly Average</i> | <i>Instant. Maximum</i> |
| Flow (MGD) | Report | Report Daily Max | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6.0 | XXX | XXX | 9.0 |
| Dissolved Oxygen | XXX | XXX | 5.0 | Report | XXX | XXX |
| Total Residual Chlorine | XXX | XXX | XXX | 0.012 | XXX | 0.038 |
| CBOD ₅ | | | | | | |
| (May 1 - Oct 31) | 250 | 383 | XXX | 15 | 23 | 30 |
| (Nov 1 - Apr 30) | 417 | 667 | XXX | 25 | 40 | 50 |
| Total Suspended Solids | 500 | 750 | XXX | 30 | 45 | 60 |
| Fecal Coliform (CFU/100 ml) | | | | | | |
| May 1 - Sep 30 | XXX | XXX | XXX | 200 Geo Mean | XXX | 1,000 |
| Oct 1 - Apr 30 | XXX | XXX | XXX | 200 Geo Mean | XXX | 1,000* |

| <i>Parameters</i> | <i>Mass (lb/day)</i> | | | <i>Concentration (mg/l)</i> | | |
|-------------------|------------------------|-----------------------|----------------------|-----------------------------|---------------------------------|-------------------------|
| | <i>Average Monthly</i> | <i>Weekly Average</i> | <i>Inst. Minimum</i> | <i>Average Monthly</i> | <i>Weekly Average</i> | <i>Instant. Maximum</i> |
| Ammonia-Nitrogen | | | | | | |
| (May 1 - Oct 31) | 30.0 | XXX | XXX | 1.8 | XXX | 3.6 |
| (Nov 1 - Apr 30) | 60.0 | XXX | XXX | 3.6 | XXX | 7.2 |
| Total Phosphorus | | | | | | |
| (Apr 1 - Oct 31) | 16.5 | XXX | XXX | 1.0 | XXX | 2.0 |
| (Nov 1 - Mar 31) | 33.0 | XXX | XXX | 2.0 | XXX | 4.0 |
| Total Copper | | | | | | |
| (Interim) | XXX | XXX | XXX | Report | Report | Report |
| (Final) | XXX | XXX | XXX | 0.014 | Daily Max 0.022 Daily Max | XXX |

In addition, the permit contains the following major special conditions:

- Fecal Coliform DRBC Requirements
- WET Test Requirements
- Storm water Requirements

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 484-250-5910.

The EPA Waiver is not in effect.

Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570-826-2511

PA0026476, Sewage, SIC Code 4952, **Coaldale-Lansford-Summit Hill Sewer Authority**, 162 W Ridge Street, Lansford, PA 18232-1310. Facility Name: Coaldale Lansford Summit Hill Sewer Authority. This existing facility is located in Coaldale Borough, **Schuylkill County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Sewage.

The receiving stream(s), Nesquehoning Creek, Panther Creek and Unnamed Tributary to Panther Creek, is located in State Water Plan watershed 2-B and 3-A and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 1.65 MGD.

| <i>Parameters</i> | <i>Mass (lb/day)</i> | | | <i>Concentration (mg/l)</i> | | |
|-----------------------------|------------------------|-----------------------|-----------------|-----------------------------|-----------------------|-------------------------|
| | <i>Average Monthly</i> | <i>Weekly Average</i> | <i>Minimum</i> | <i>Average Monthly</i> | <i>Weekly Average</i> | <i>Instant. Maximum</i> |
| Flow (MGD) | Report | Report Daily Max | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6.0 | XXX | XXX | 9.0 |
| Dissolved Oxygen | XXX | XXX | 5.0 | XXX | XXX | XXX |
| Total Residual Chlorine | XXX | XXX | Inst Min XXX | .5 | XXX | 1.2 |
| CBOD ₅ | 340 | 550 | XXX | 25.0 | 40.0 | 50.0 |
| Total Suspended Solids | 410 | 620 | XXX | 30.0 | 45.0 | 60.0 |
| Fecal Coliform (CFU/100 ml) | | | | | | |
| May 1 - Sep 30 | XXX | XXX | XXX | 200 Geo Mean | XXX | 1,000 |
| Oct 1 - Apr 30 | XXX | XXX | XXX | 2,000 Geo Mean | XXX | 10,000 |
| Total Aluminum | Report | Report | XXX | Report | Report | XXX |
| Total Iron | Report | Report | XXX | Report | Report | XXX |
| Total Manganese | Report | Report | XXX | Report | Report | XXX |

Point sources 002—007 serve as combined sewer reliefs necessitated by stormwater entering the sewer system and exceeding the hydraulic capacity of the sewers and/or the treatment plant. In accordance with the Department of Environmental Protection's EPA approved CSO strategy, a special permit requirement is included in Part C of this permit.

In addition to the effluent limits, the permit contains the following major special conditions:

Management and Control of Combined Sewer Overflows, Whole Effluent Toxicity Testing.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-826-5472.

The EPA Waiver is not in effect.

Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.

PA0070360, Sewage, SIC Code 5541, **Pilot Travel Center LLC**, 5508 Lonas Road, Knoxville, TN 37909. Facility Name: Pilot Travel Center No. 518. This existing facility is located in Bethel Township, **Berks County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Sewage.

The receiving stream(s), Unnamed Tributary to Crosskill Creek, is located in State Water Plan watershed 7-D and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.04 MGD.

| Parameters | Mass (lb/day) | | | Concentration (mg/l) | | |
|-----------------------------|-----------------|---------------------|---------|--------------------------------|------------------|--------|
| | Average Monthly | Total Annual | Minimum | Average Monthly | Instant. Maximum | |
| Flow (MGD) | Report | Report Daily Max | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6.0 | XXX | XXX | 9.0 |
| Dissolved Oxygen | XXX | XXX | 5.0 | XXX | XXX | XXX |
| Total Residual Chlorine | XXX | XXX | XXX | 0.5 | XXX | 1.6 |
| CBOD ₅ | XXX | XXX | XXX | 25 | XXX | 50 |
| Total Suspended Solids | XXX | XXX | XXX | 30 | XXX | 60 |
| Fecal Coliform (CFU/100 ml) | | | | | | |
| May 1 - Sep 30 | XXX | XXX | XXX | 200 | XXX | 1,000 |
| Oct 1 - Apr 30 | XXX | XXX | XXX | Geo Mean 2,000 | XXX | 10,000 |
| Total Nitrogen | XXX | Report | XXX | Geo Mean Report Annl Avg | XXX | XXX |
| Ammonia-Nitrogen | | | | | | |
| May 1 - Oct 31 | XXX | XXX | XXX | 11 | XXX | 22 |
| Nov 1 - Apr 30 | XXX | XXX | XXX | 20 | XXX | 40 |
| Total Phosphorus | XXX | Report | XXX | Report Annl Avg | XXX | XXX |

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA Waiver is in effect.

PA0248070, SIC Code 4941, **Mifflintown Borough Municipal Authority Juniata County**, PO Box 36, Mifflintown, PA 17059-0036. Facility Name: Mifflintown Water System. This existing facility is located in Milford Township, **Juniata County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated industrial wastewater.

The receiving stream(s), Dry Swale to Juniata River, is located in State Water Plan watershed 12-A and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.085 MGD.

| Parameters | Mass (lb/day) | | | Concentration (mg/l) | | |
|-------------------------|-----------------|------------------------|---------|--------------------------------|---------------|------------------|
| | Average Monthly | Daily Maximum | Minimum | Average Monthly | Daily Maximum | Instant. Maximum |
| Flow (MGD) | Report | Report | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6.0 | XXX | XXX | 9.0 |
| Total Residual Chlorine | XXX | XXX | XXX | 0.5 | XXX | 1.6 |
| Total Suspended Solids | Report | Report | XXX | 30 | 60 | 75 |
| Total Nitrogen | XXX | Report | XXX | Report | XXX | XXX |
| Total Phosphorus | XXX | Total Annual Report | XXX | Annl Avg Report Annl Avg | XXX | XXX |
| Total Aluminum | Report | Report | XXX | 4.0 | 8.0 | 9.0 |
| Total Iron | Report | Report | XXX | 2.0 | 4.0 | 5.0 |
| Total Manganese | Report | Report | XXX | 1.0 | 2.0 | 2.5 |

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA Waiver is in effect.

PA0081299, Sewage, SIC Code 4952, **Model Enterprises Inc.**, 630 Delp Road, Lancaster, PA 17601-3077. Facility Name: Rolling Hills MHP. This existing facility is located in Rapho Township, **Lancaster County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Sewage.

The receiving stream(s), Chickies Creek, is located in State Water Plan watershed 7-G and is classified for Warm Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.02 MGD.

| <i>Parameters</i> | <i>Mass (lb/day)</i> | | <i>Minimum</i> | <i>Concentration (mg/l)</i> | | <i>Instant. Maximum</i> |
|--------------------------------------|---------------------------|-------------------------|----------------|-----------------------------|-----|-----------------------------|
| | <i>Annual Average</i> | <i>Total Annual</i> | | <i>Average Monthly</i> | | |
| Flow (MGD) | Report Avg Mo | Report Daily Max | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6.0 | XXX | XXX | 9.0 |
| Dissolved Oxygen | XXX | XXX | 5.0 | XXX | XXX | XXX |
| Total Residual Chlorine (Interim) | XXX | XXX | XXX | 1.0 | XXX | 2.0 |
| (Final) | XXX | XXX | XXX | 0.5 | XXX | 1.6 |
| CBOD ₅ | XXX | XXX | XXX | 25 | XXX | 50 |
| Total Suspended Solids | XXX | XXX | XXX | 30 | XXX | 60 |
| Fecal Coliform (CFU/100 ml) | | | | | | |
| May 1 - Sep 30 | XXX | XXX | XXX | 200 | XXX | 1,000 |
| | | | | Geo Mean | | |
| Oct 1 - Apr 30 | XXX | XXX | XXX | 2,000 | XXX | 10,000 |
| | | | | Geo Mean | | |
| Nitrate-Nitrite as N | Report | XXX | XXX | Report | XXX | XXX |
| | | | | Annl Avg | | |
| Total Nitrogen | Report | XXX | XXX | Report | XXX | XXX |
| | | | | Annl Avg | | |
| Total Nitrogen | XXX | Report | XXX | XXX | XXX | XXX |
| Total Kjeldahl Nitrogen | Report | XXX | XXX | Report | XXX | XXX |
| | | | | Annl Avg | | |
| Total Phosphorus | XXX | XXX | XXX | 2.0 | XXX | 4.0 |
| Total Phosphorus | XXX | 122 | XXX | XXX | XXX | XXX |
| Total Phosphorus | Report | XXX | XXX | XXX | XXX | XXX |
| | Total Mo | | | | | |

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA Waiver is in effect.

PA0084115, Sewage, SIC Code 5541, **Pilot Travel Center LLC**, 5508 Lonas Drive, Knoxville, TN 37909. Facility Name: Pilot Travel Center No. 517. This existing facility is located in Reed Township, **Dauphin County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Sewage.

The receiving stream(s), Susquehanna River, is located in State Water Plan watershed 6-C and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.008 MGD.

| <i>Parameters</i> | <i>Mass (lb/day)</i> | | <i>Minimum</i> | <i>Concentration (mg/l)</i> | | <i>Instant. Maximum</i> |
|-----------------------------|----------------------------|--------------------------|----------------|-----------------------------|-----|-----------------------------|
| | <i>Average Monthly</i> | <i>Annual Annual</i> | | <i>Average Monthly</i> | | |
| Flow (MGD) | Report | Report Daily Max | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6.0 | XXX | XXX | 9.0 |
| Dissolved Oxygen | XXX | XXX | 5.0 | XXX | XXX | XXX |
| Total Residual Chlorine | XXX | XXX | XXX | 0.5 | XXX | 1.6 |
| CBOD ₅ | XXX | XXX | XXX | 25 | XXX | 50 |
| Total Suspended Solids | XXX | XXX | XXX | 30 | XXX | 60 |
| Fecal Coliform (CFU/100 ml) | | | | | | |
| May 1 - Sep 30 | XXX | XXX | XXX | 200 | XXX | 1,000 |
| | | | | Geo Mean | | |
| Oct 1 - Apr 30 | XXX | XXX | XXX | 2,000 | XXX | 10,000 |
| | | | | Geo Mean | | |

| <i>Parameters</i> | <i>Mass (lb/day)</i> | | | <i>Concentration (mg/l)</i> | | |
|-------------------|----------------------------|--------------------------|----------------|-----------------------------|-----|-----------------------------|
| | <i>Average Monthly</i> | <i>Annual Annual</i> | <i>Minimum</i> | <i>Average Monthly</i> | | <i>Instant. Maximum</i> |
| Total Nitrogen | XXX | Report | XXX | Report Annl Avg | XXX | XXX |
| Total Phosphorus | XXX | Report | XXX | Report Annl Avg | XXX | XXX |

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA Waiver is in effect.

PA0080314, Sewage, SIC Code 4952, **Hampden Township**, 230 S Sporting Hill Road, Mechanicsburg, PA 17050-3097. Facility Name: Hampden Township Roth Lane STP. This existing facility is located in Hampden Township, **Cumberland County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Sewage.

The receiving stream(s), Sears Run, is located in State Water Plan watershed 7-B and is classified for Warm Water Fishes, Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 5.69 MGD.

| <i>Parameters</i> | <i>Mass (lb/day)</i> | | | <i>Concentration (mg/l)</i> | | |
|-----------------------------|----------------------------|--------------------------|----------------|-----------------------------|---------------------------|-----------------------------|
| | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Minimum</i> | <i>Average Monthly</i> | <i>Weekly Average</i> | <i>Instant. Maximum</i> |
| Flow (MGD) | Report | Report | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6.0 | XXX | XXX | 9.0 |
| Dissolved Oxygen | XXX | XXX | 5.0 | XXX | XXX | XXX |
| CBOD ₅ | | | | | | |
| (Interim) | 603 | 884 | XXX | 15 | 22 | 40 |
| (Final) | 711 | Wkly Avg 1044 | XXX | 15 | 22 | 40 |
| BOD ₅ | | Wkly Avg | | | | |
| Raw Sewage Influent (Final) | Report | Report | XXX | Report | XXX | XXX |
| Total Suspended Solids | | | | | | |
| (Interim) | 1206 | 1809 | XXX | 30 | 45 | 81 |
| (Final) | 1423 | Wkly Avg 2135 | XXX | 30 | 45 | 81 |
| Raw Sewage Influent (Final) | Report | Report | XXX | Report | XXX | XXX |
| Fecal Coliform (CFU/100 ml) | | | | | | |
| May 1 - Sep 30 (Final) | XXX | XXX | XXX | 200 Geo Mean | XXX | 1000 |
| Oct 1 - Apr 30 (Final) | XXX | XXX | XXX | 2000 Geo Mean | XXX | 10000 |
| Ammonia-Nitrogen | | | | | | |
| May 1 - Oct 31 (Interim) | 72 | XXX | XXX | 1.8 | XXX | 4.8 |
| Nov 1 - Apr 30 (Interim) | 217 | XXX | XXX | 5.4 | XXX | 14 |
| May 1 - Oct 31 (Final) | 76 | XXX | XXX | 1.6 | XXX | 4.3 |
| Nov 1 - Apr 30 (Final) | 227 | XXX | XXX | 4.8 | XXX | 13 |
| Total Phosphorus (Final) | 70.7 | XXX | XXX | 2.0 | XXX | 5.4 |
| Total Zinc | XXX | XXX | XXX | Report | XXX | XXX |

The proposed monitoring requirements and, where appropriate, effluent limits for implementation of the Chesapeake Bay Tributary Strategy are as follows for Outfall 001.

| <i>Parameters</i> | <i>Mass (lbs)</i> | | | <i>Concentration (mg/l)</i> | |
|----------------------|-------------------|---------------|----------------|-----------------------------|----------------|
| | <i>Monthly</i> | <i>Annual</i> | <i>Minimum</i> | <i>Monthly Average</i> | <i>Maximum</i> |
| Ammonia—N | Report | Report | | Report | |
| Kjeldahl—N | Report | | | Report | |
| Nitrate-Nitrite as N | Report | | | Report | |
| Total Nitrogen | Report | Report | | Report | |
| Total Phosphorus | Report | Report | | Report | |
| Net Total Nitrogen | | | | | |
| (Interim) | Report | 114558 | | | |
| (Interim) | Report | 98872 | | | |

| <i>Parameters</i> | <i>Mass (lbs)</i> | | <i>Concentration (mg/l)</i> | | |
|----------------------|-------------------|---------------|-----------------------------|------------------------|----------------|
| | <i>Monthly</i> | <i>Annual</i> | <i>Minimum</i> | <i>Monthly Average</i> | <i>Maximum</i> |
| (Final) | Report | 117696 | | | |
| Net Total Phosphorus | | | | | |
| (Interim) | Report | 12359 | | | |
| (Interim) | Report | 14094 | | | |
| (Final) | Report | 14441 | | | |

• This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department's Trading of Nutrients and Sediment Reduction Credits Policy and Guidelines (Document #392-0900-001, December 30, 2006). The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

In addition, the permit contains the following major special conditions:

- Requirements applicable to stormwater outfalls
- Whole effluent toxicity (WET)
- Solids management

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA Waiver is not in effect.

PA0083399, Sewage, SIC Code 7033, **MHC Gettysburg Farm LP**, 2 North Riverside Plaza, Suite 800, Chicago, IL 60606-2682. Facility Name: Gettysburg Farm Campground. This existing facility is located in Dover Township, **York County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Sewage.

The receiving stream, Conewago Creek, is located in State Water Plan watershed 7-F and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.05 MGD.

| <i>Parameters</i> | <i>Mass (lb/day)</i> | | | <i>Concentration (mg/l)</i> | | |
|-----------------------------|------------------------|----------------------|----------------|-----------------------------|-------------------------|--------|
| | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Minimum</i> | <i>Average Monthly</i> | <i>Instant. Maximum</i> | |
| Flow (MGD) | Report | Report | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6.0 | XXX | XXX | 9.0 |
| Dissolved Oxygen | XXX | XXX | 5.0 | XXX | XXX | XXX |
| Total Residual Chlorine | XXX | XXX | XXX | 0.50 | XXX | 1.0 |
| CBOD ₅ | XXX | XXX | XXX | 25 | XXX | 50 |
| Total Suspended Solids | XXX | XXX | XXX | 30 | XXX | 60 |
| Fecal Coliform (CFU/100 ml) | | | | | | |
| May 1 - Sep 30 | XXX | XXX | XXX | 200 | XXX | 1,000 |
| | | | | Geo Mean | | |
| Oct 1 - Apr 30 | XXX | XXX | XXX | 2,000 | XXX | 10,000 |
| | | | | Geo Mean | | |

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA Waiver is in effect.

PA0030511, Sewage, SIC Code 8211, **Bermudian Springs School District**, 7335 Carlisle Pike, York Springs, PA 17372-0501. Facility Name: Bermudian Springs School District WWTP. This existing facility is located in Huntingdon Township, **Adams County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Sewage.

The receiving stream, Unnamed Tributary to North Branch Mud Run, is located in State Water Plan watershed 7-F and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.03 MGD.

| <i>Parameters</i> | <i>Mass (lb/day)</i> | | | <i>Concentration (mg/l)</i> | | |
|-------------------|------------------------|----------------------|----------------|-----------------------------|----------------------|-------------------------|
| | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Minimum</i> | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Instant. Maximum</i> |
| Flow (MGD) | Report | Report | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6.0 | XXX | XXX | 9.0 |

| Parameters | Mass (lb/day) | | | Concentration (mg/l) | | |
|-----------------------------|--------------------|------------------|---------|----------------------|------------------|---------------------|
| | Average Monthly | Daily Maximum | Minimum | Average Monthly | Daily Maximum | Instant. Maximum |
| Dissolved Oxygen | XXX | XXX | 5.0 | XXX | XXX | XXX |
| Total Residual Chlorine | XXX | XXX | XXX | 0.42 | XXX | 1.37 |
| CBOD ₅ | XXX | XXX | XXX | 10 | XXX | 20 |
| Total Suspended Solids | XXX | XXX | XXX | 10 | XXX | 20 |
| Fecal Coliform (CFU/100 ml) | | | | | | |
| May 1 - Sep 30 | XXX | XXX | XXX | 200 Geo Mean | XXX | 1,000 |
| Oct 1 - Apr 30 | XXX | XXX | XXX | 2,000 Geo Mean | XXX | 10,000 |
| Ammonia-Nitrogen | | | | | | |
| May 1 - Oct 31 | XXX | XXX | XXX | 3.0 | XXX | 6.0 |
| Nov 1 - Apr 30 | XXX | XXX | XXX | 9.0 | XXX | 18 |

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA Waiver is in effect.

PA0247600, Concentrated Animal Feeding Operation (CAFO), **Martin David H (David Martin Farm Cafo)**, 420 Nottingham Road, Nottingham, PA 19362-9024.

Martin David H has submitted an application for an Individual NPDES permit for an existing CAFO known as David Martin Farm Cafo, located in Little Britain Township, **Lancaster County**.

The CAFO is situated near Little Conowingo Creek and Unnamed Tributary to Little Conowingo Creek in Watershed 7-K, which is classified for High Quality Waters—Cold Water Fishes, and High Quality Waters—Cold Water Fishes. The CAFO is designed to maintain an animal population of approximately 698.7 animal equivalent units (AEUs) consisting of 4,400 swine, 18,000 pullets and 155 heifers. Manure is collected in a underneath storage for the swine and pullets and as solid penpack for the heifers when they are not in pasture. A release or discharge to waters of the Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 25-year, 24-hour storm event for the heifers and pullets and a 25-year, 24-hour storm event for the swine.

The Department has conducted administrative and technical reviews of the application. Based on the preliminary review and application of lawful standards and regulations, the Department has made a tentative determination to issue an NPDES permit for the operation subject to the terms and conditions and monitoring and reporting requirements specified in the permit.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 717-705-4732.

The Environmental Protection Agency (EPA) permit waiver provision under 40 CFR 123.24(e) does not apply to this NPDES permit.

Northcentral Region: Clean Water Program Manager, 208 West Third Street, Williamsport, PA 17701

PA0111741 A-1, Sewage, SIC Code 4952, **Lewis Township**, 1428 Rovendale Drive, Watsontown, PA 17777. Facility Name: Warrior Run School District WWTP. This existing facility is located in Lewis Township, **Northumberland County**.

Description of Existing Activity: The application is for a transfer / amendment of an NPDES permit for an existing discharge of treated Sewage. The permit has also been amended to change the permit type from non-municipal to publicly owned treatment works (POTW).

The receiving stream(s), Warrior Run, is located in State Water Plan watershed 10-D and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.026 MGD.

| Parameters | Mass (lb/day) | | | Concentration (mg/l) | | |
|-----------------------------|--------------------|------------------|---------|----------------------|-------------------|---------------------|
| | Average Monthly | Daily Maximum | Minimum | Average Monthly | Weekly Average | Instant. Maximum |
| Flow (MGD) | Report | Report | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6.0 | XXX | XXX | 9.0 |
| Total Residual Chlorine | XXX | XXX | XXX | 1.0 | XXX | 2.3 |
| CBOD ₅ | XXX | XXX | XXX | 25 | 40 | 50 |
| Total Suspended Solids | XXX | XXX | XXX | 30 | 45 | 60 |
| Fecal Coliform (CFU/100 ml) | | | | | | |
| May 1 - Sep 30 | XXX | XXX | XXX | 200 Geo Mean | XXX | 1,000 |
| Oct 1 - Apr 30 | XXX | XXX | XXX | 2,000 Geo Mean | XXX | 10,000 |

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-327-3693.

The EPA Waiver is in effect.

Southwest Regional Office: Regional Manager, Water Management, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; 412-442-4000

PA0094226, SIC Code 4941, **Wilkinsburg Penn Joint Water Authority**, 2200 Robinson Boulevard, Wilkinsburg, PA 15221-1112. Facility Name: Wilkinsburg Penn Joint Water Authority. This existing facility is located in Penn Hills Township, **Allegheny County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated.

The receiving stream(s), Allegheny River, is located in State Water Plan watershed 18-A and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.445 MGD.

| <i>Parameters</i> | <i>Mass (lb/day)</i> | | | <i>Concentration (mg/l)</i> | | |
|-------------------------|------------------------|----------------------|----------------|-----------------------------|-----|-------------------------|
| | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Minimum</i> | <i>Average Monthly</i> | | <i>Instant. Maximum</i> |
| Flow (MGD) | Report | Report | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6.0 | XXX | XXX | 9.0 |
| Total Residual Chlorine | XXX | XXX | XXX | 0.5 | XXX | 1.0 |
| Total Suspended Solids | XXX | XXX | XXX | 30 | XXX | 60 |
| Total Aluminum | XXX | XXX | XXX | 4.0 | XXX | 8.0 |
| Total Iron | XXX | XXX | XXX | 2.0 | XXX | 4.0 |
| Total Manganese | XXX | XXX | XXX | 0.5 | XXX | 1.0 |

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 412-442-4000.

The EPA Waiver is in effect.

PA0218685, Sewage, SIC Code 1241, **RoxCoal Inc.**, PO Box 260, Friedens, PA 15541. Facility Name: Geronimo Mine STP. This existing facility is located in Jenner Township, **Somerset County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Sewage.

The receiving stream(s), Unnamed Tributary to Quemahoning Creek, is located in State Water Plan watershed 18-E and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.00161 MGD.

| <i>Parameters</i> | <i>Mass (lb/day)</i> | | | <i>Concentration (mg/l)</i> | | |
|-----------------------------|------------------------|-----|----------------|-------------------------------|-----|-------------------------|
| | <i>Average Monthly</i> | | <i>Minimum</i> | <i>Average Monthly</i> | | <i>Instant. Maximum</i> |
| Flow (MGD) | 0.00161 | XXX | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6.0 | XXX | XXX | 9.0 |
| Dissolved Oxygen | XXX | XXX | 3.0 | XXX | XXX | XXX |
| Total Residual Chlorine | XXX | XXX | XXX | Report | XXX | Report |
| CBOD ₅ | XXX | XXX | XXX | 25 | XXX | 50 |
| Total Suspended Solids | XXX | XXX | XXX | 30 | XXX | 60 |
| Fecal Coliform (CFU/100 ml) | | | | | | |
| May 1 - Sep 30 | XXX | XXX | XXX | 200 | XXX | 1,000 |
| Oct 1 - Apr 30 | XXX | XXX | XXX | Geo Mean 2,000 Geo Mean | XXX | 10,000 |
| Ammonia-Nitrogen | | | | | | |
| May 1 - Oct 31 | XXX | XXX | XXX | 8 | XXX | 16 |
| Nov 1 - Apr 30 | XXX | XXX | XXX | 24 | XXX | 48 |

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 412-442-4000.

The EPA Waiver is in effect.

PA0091243, Sewage, **Allegheny Trails Council**, Flag Plaza, 1275 Bedford Avenue, Pittsburgh, PA 15219. Facility Name: Heritage Reservation STP. This existing facility is located in Wharton Township, **Fayette County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Sewage.

The treatment plant discharges to a swale that leads to receiving stream, Unnamed Tributary to Little Sandy Creek, located in State Water Plan watershed 19-G and is classified for High Quality Waters—Cold Water Fishes, aquatic life, water supply and/or recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.017 MGD.

| <i>Parameters</i> | <i>Mass (lb/day)</i> | | | <i>Concentration (mg/l)</i> | | |
|-----------------------------|----------------------------|-----|----------------|-----------------------------|-----|-----------------------------|
| | <i>Average Monthly</i> | | <i>Minimum</i> | <i>Average Monthly</i> | | <i>Instant. Maximum</i> |
| Flow (MGD) | 0.017 | XXX | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6.0 | XXX | XXX | 9.0 |
| Dissolved Oxygen | XXX | XXX | 3.0 | XXX | XXX | XXX |
| Total Residual Chlorine | | | | | | |
| (Interim) | XXX | XXX | XXX | 1.4 | XXX | 3.3 |
| (Final) | XXX | XXX | XXX | 0.022 | XXX | 0.050 |
| CBOD ₅ | XXX | XXX | XXX | 10 | XXX | 20 |
| Total Suspended Solids | XXX | XXX | XXX | 10 | XXX | 20 |
| Fecal Coliform (CFU/100 ml) | | | | | | |
| May 1 - Sep 30 | XXX | XXX | XXX | 200 | XXX | 1,000 |
| | | | | Geo Mean | | |
| Oct 1 - Apr 30 | XXX | XXX | XXX | 2,000 | XXX | 10,000 |
| | | | | Geo Mean | | |
| Nitrite and Nitrate | XXX | XXX | XXX | 10 | XXX | 20 |
| Ammonia-Nitrogen | | | | | | |
| May 1 - Oct 31 | XXX | XXX | XXX | 2.0 | XXX | 4.0 |
| Nov 1 - Apr 30 | XXX | XXX | XXX | 3.5 | XXX | 7.0 |

The EPA Waiver is in effect.

PA0098183, Sewage, SIC Code 4952, **Gary A. Sipple**, 2591 Wexford Bayne Road, Suite 100, Sewickley, PA 15143. Facility Name: Stone Mansion STP. This existing facility is located in Franklin Park Borough, **Allegheny County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Sewage.

The receiving stream(s), Swale to Unnamed Tributary of East Branch Big Sewickley Creek, is located in State Water Plan watershed 20-G and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.03583 MGD.

| <i>Parameters</i> | <i>Mass (lb/day)</i> | | | <i>Concentration (mg/l)</i> | | |
|-----------------------------|----------------------------|-----|----------------|-----------------------------|-----|-----------------------------|
| | <i>Average Monthly</i> | | <i>Minimum</i> | <i>Average Monthly</i> | | <i>Instant. Maximum</i> |
| Flow (MGD) | 0.03583 | XXX | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6.0 | XXX | XXX | 9.0 |
| Dissolved Oxygen | XXX | XXX | 3.0 | XXX | XXX | XXX |
| Total Residual Chlorine | | | | | | |
| (Interim) | XXX | XXX | XXX | 1.4 | XXX | 3.3 |
| (Final) | XXX | XXX | XXX | 0.02 | XXX | 0.04 |
| CBOD ₅ | XXX | XXX | XXX | 10 | XXX | 20 |
| Total Suspended Solids | XXX | XXX | XXX | 10 | XXX | 20 |
| Fecal Coliform (CFU/100 ml) | | | | | | |
| May 1 - Sep 30 | XXX | XXX | XXX | 200 | XXX | 1,000 |
| | | | | Geo Mean | | |
| Oct 1 - Apr 30 | XXX | XXX | XXX | 2,000 | XXX | 10,000 |
| | | | | Geo Mean | | |
| Ammonia-Nitrogen | | | | | | |
| May 1 - Oct 31 | XXX | XXX | XXX | 2.0 | XXX | 4.0 |
| Nov 1 - Apr 30 | XXX | XXX | XXX | 3.0 | XXX | 6.0 |

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 412-442-4000.

The EPA Waiver is in effect.

III. WQM Industrial Waste and Sewerage Applications under The Clean Streams Law

Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570-826-2511.

WQM Permit No. 4812403, Sewerage, SIC Code 4952, **Borough Of Northampton**, 1401 Laubach Avenue, Northampton, PA 18067.

This proposed facility is located in Northampton Borough, **Northampton County**.

Description of Proposed Action/Activity: Replacement of the aging Smith Lane Pump Station

Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.

WQM Permit No. 0696410, Amendment 12-1, Sewerage, **Karen Kuhn**, 1685 Route 143, Lenhartsville, PA 19534.

This proposed facility is located in Greenwich Township, **Berks County**.

Description of Proposed Action/Activity: Upgrades to existing single family sewage treatment system.

Northcentral Region: Clean Water Program Manager, 208 West Third Street, Williamsport, PA 17701

WQM Permit No. 1412403, Sewerage [4952], **Moshannon Valley Joint Sewer Authority**, Herbert Rowland & Grubic, 474 Windmere Drive, Suite 100, State College, PA

This proposed facility is located in Rush Township, **Centre County**.

Description of Proposed Action/Activity: General modifications and upgrades to the treatment process and equipment.

Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

WQM Permit No. 1112404, Sewerage, **City of Johnstown**, 401 Main Street, Johnstown, PA 15901

This proposed facility is located in the City of Johnstown, **Cambria County**

Description of Proposed Action/Activity: Application for the construction and operation of a sewer system.

The Pennsylvania Infrastructure Investment Authority (Pennvest) which administers Pennsylvania's State Revolving Fund has been identified as a possible funding source. The Department's review of the sewage facilities plan revision has not identified any significant environmental impacts resulting from this proposal.

V. NPDES Applications for Stormwater Discharges from MS4

V. Applications for NPDES Waiver Stormwater Discharges from MS4

VI. NPDES Individual Permit Applications for Discharges of Stormwater Associated with Construction Activities

Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401

| <i>NPDES Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------------|---|---------------|-----------------------|-------------------------------------|
| PAI01 151240 | Green Warrior Farms, LLC 2075 Grantham Avenue Berwyn, PA 19312-2119 | Chester | East Vincent Township | Unnamed Tributary French Creek (EV) |
| PAI01 151241 | 220 Chestnut Street Apartments 55 Country Club Drive Suite 200 Downingtown, PA 19335 | Chester | West Chester Borough | Chester Creek (TSF) |
| PAI01 231208 | Elwyn, Inc. 111 Elwyn Road Media, PA 19063 | Delaware | Middletown Township | Ridley Creek (HQ-TSF-MF) |

Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Monroe County Conservation District: 8050 Running Valley Road, Stroudsburg, PA 18360, 570-629-3060.

| <i>NPDES Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water / Use</i> |
|-----------------------------|--|---------------|--|---|
| PAI024512009 | Brodhead Creek Regional Authority 410 Mill Creek Rd. East Stroudsburg, PA 18301 | Monroe | Pocono Twp., Hamilton Twp., Stroud Twp., Smithfield Twp., Stroudsburg Borough | Brodhead Creek (Middle Branch to LR 45060 Bridge), HQ-CWF, MF; Brodhead Creek UNTs (Middle Branch to LR 45060 Bridge), HQ-CWF, MF; Rocky Run, HQ-CWF, MF; UNTs to Rocky Run, HQ-CWF, MF; Little Pocono, HQ-CWF, MF; UNTs to Little Pocono HQ-CWF, MF; Scot Run, HQ-CWF, MF; UNTs to Scot Run, HQ-CWF, MF; Bulgers Run, HQ-CWF, MF; UNTs to Bulgers Run, HQ-CWF, MF; Cranberry Creek, HQ-CWF, MF; UNTs to Cranberry Creek, HQ-CWF, MF; Reeders Run, HQ-CWF, MF; UNTs to Reeders Run, HQ-CWF, MF; Wigwam Run, HQ-CWF, MF; UNTs to Wigwam Run, HQ-CWF, MF; Flagler Run, HQ-CWF, MF; UNTs to Flagler Run, HQ-CWF, MF; Big Meadow Run, HQ-CWF, MF; UNTs to Big Meadow Run, HQ-CWF, MF; McMichael's Creek (Pocono Creek to Mouth), TSF, MF; UNTs to McMichael's Creek (Pocono Creek to Mouth), TSF, MF; Marshall Creek, HQ-CWF, MF; UNTs to Marshall Creek, HQ-CWF, MF; Swiftwater Creek, HQ-CWF, MF; UNTs to Swiftwater Creek, HQ-CWF, MF; Brodhead Creek (LR 45060 Bridge to Mouth), TSF, MF; |

| <i>NPDES Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water / Use</i> |
|-----------------------------|---|---------------|---------------------|--|
| | | | | Brodhead Creek UNTs (LR 45060 Bridge to Mouth), TSF, MF; Sambo Creek, CWF, MF; UNTs to Sambo Creek, CWF, MF; McMichael's Creek (T 434 to Pocono Creek), HQ-CWF, MF; UNTs to McMichael's Creek (T 434 to Pocono Creek), HQ-CWF, MF; Pocono Creek, HQ-CWF, MF; UNTs to Pocono Creek, HQ-CWF, MF |

Northampton County Conservation District: 14 Gracedale Ave., Greystone Building, Nazareth, PA 18064, 610-746-1971.

| <i>NPDES Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water / Use</i> |
|-----------------------------|--|---------------|---------------------|----------------------------------|
| PAS10U168R | Jaindl Land Co. David Jaindl 3150 Coffeetown Rd. Orefield, PA 18069 | Northampton | Hanover Twp. | Monocacy Creek, HQ-CWF, MF |

Wyoming County Conservation District: One Hollowcrest Complex, Tunkhannock, PA 18657, 570-836-2589.

| <i>NPDES Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water / Use</i> |
|-----------------------------|--|---------------|--|--|
| PAI02006608001(3) | Mehoopany Wind Farm LLC 455 2nd Street SE Suite 400 Charlottesville, VA 22902 | Wyoming | Noxen Twp., Forkston Twp., Washington Twp., Eaton Twp., Mehoopany Twp. | Bowmans Creek, HQ-CWF, MF; Stone Run, HQ-CWF, MF; Kasson Brooke, HQ-CWF, MF; SB Roaring Run, HQ-CWF, MF; Roaring Run, HQ-CWF, MF; Newton Run, HQ-CWF, MF; Sugar Hollow Creek, HQ-CWF, MF; Hettesheimer Run, HQ-CWF, MF; York Run, HQ-CWF, MF; Bowman Hollow, HQ-CWF, MF |

Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701

Centre County Conservation District: 414 Holmes Avenue, Suite 4, Bellefonte, PA 16823, (814) 355-6817

| <i>NPDES Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water / Use</i> |
|-----------------------------|---|---------------|---------------------|----------------------------------|
| PAI041412008 | John E. Glantz 19366 Little Valley Rd Saxton PA 16678 | Centre | Patton Township | Waddle Run HQ-CWF |

VII. List of NOIs for NPDES and/or Other General Permit Types

PAG-12 CAFOs

STATE CONSERVATION COMMISSION

PROPOSED NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES PERMITS FOR CAFOs

This notice provides information about agricultural operations that have submitted nutrient management plans (NMPs) for approval under 3 Pa.C.S. Chapter 5 and that have or anticipate submitting applications for new, amended or renewed NPDES permits, or Notices of Intent (NOIs) for coverage under a general permit, for CAFOs, under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Based upon preliminary reviews, the State Conservation Commission (SCC) or County Conservation Districts (CCD) working under a delegation agreement with the SCC have completed an administrative review of NMPs described. These NMPs are published as proposed plans for comment prior to taking final actions. The NMPs are available for review at the CCD office for the county where the agricultural operation is located. A list of CCD office locations is available at <http://www.nacdnet.org/about/districts/directory/pa.phtml> or can be obtained from the SCC at the office address listed or by calling (717) 787-8821.

Persons wishing to comment on an NMP are invited to submit a statement outlining their comments on the plan to the CCD, with a copy to the SCC for each NMP, within 30 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the NMPs. Comments should include the name, address and telephone number of the writer and a concise statement to inform the SCC of the exact basis of the comments and the relevant facts upon which they are based. Comments should be sent to the SCC, Agriculture Building, Room 310, 2301 North Cameron Street, Harrisburg, PA 17110.

Persons with a disability who require an auxiliary aid, service, including TDD users or other accommodations to seek additional information should contact the SCC through the Pennsylvania AT&T Relay Service at (800) 654-5984.

NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET

| <i>Agricultural Operation Name and Address</i> | <i>County</i> | <i>Total Acres</i> | <i>Animal Equivalent Units</i> | <i>Animal Type</i> | <i>Special Protection Waters (HQ or EV or NA)</i> | <i>Renewal/ New</i> |
|--|---------------|------------------------|--|------------------------|---|-------------------------|
| Kerwin King Farm 375 Forest Manor Cochranville, PA 19330 | Chester | 230.5 | 137.12 | Ducks and Cows | HQ | New |
| Martin Farms 167 Overcash Rd. Chambersburg, PA 17202 | Franklin | 1142.4 | 1393.15 | Dairy Cows | HQ | Renewal |

PUBLIC WATER SUPPLY (PWS) PERMITS

Under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17), the following parties have applied for PWS permits to construct or substantially modify public water systems.

Persons wishing to comment on permit applications are invited to submit statements to the office listed before the application within 30 days of this public notice. Comments received within this 30-day comment period will be considered in the formulation of the final determinations regarding an application. A comment should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

Following the comment period, the Department will make a final determination regarding the proposed permit. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The permit application and related documents are on file at the office listed before the application and available for public review. Arrangements for inspection and copying information should be made with the office listed before the application.

Persons with a disability that require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

SAFE DRINKING WATER

Applications Received Under the Pennsylvania Safe Drinking Water Act

Northeast Region: Safe Drinking Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790

Application No. 5212503, Public Water Supply.

| | |
|-----------------------|---|
| Applicant | Pennsylvania-American Water Co. |
| [Township or Borough] | Delaware Township Pike County |
| Responsible Official | David R. Kaufman, PE VP Engineering Pennsylvania-American Water Co. 800 West Hershey Park Drive Hershey, PA 17033 |
| Type of Facility | Community Water System |

Consulting Engineer Jeremy A. Nelson, PE
 Pennsylvania-American Water Co.
 100 North Pennsylvania Avenue
 Wilkes-Barre, PA 18701
 570-830-6538

Application Received November 2, 2012
 Date

Description of Action Application for addition of sodium hydroxide for pH adjustment at the Marcel Lake Well Nos. 3 & 4 treatment station.

Application No. 3912505, Public Water Supply.

Applicant **Lehigh County Authority**
 [Township or Weisenberg Township
 Borough] **Lehigh County**
 Responsible Official Aurel M. Arndt, General Manager
 Lehigh County Authority
 1053 Spruce Street
 P. O. Box 3348
 Allentown, PA 18106

Type of Facility Community Water System

Consulting Engineer Charles E. Volk, PE
 T & M Associates
 74 West Broad Street, Suite 240
 Bethlehem, PA 18018
 610-625-2999

Application Received November 28, 2012
 Date

Description of Action Application for modification of the Arcadia West Pump Station to include replacement of existing booster pumps, installation of a diesel fire pump and installation of a corrosion control chemical feed system.

Northcentral Region: Safe Drinking Water Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448

Application No. 1912501—Bulk Water Hauling
 Public Water Supply.

Applicant **Tom Bowman Trucking, Inc.**
 [Township or Orangeville Borough
 Borough]

County **Clearfield**

Responsible Official Thomas Bowman, President
 Tom Bowman Trucking, Inc.
 281 Bowmans Mill Road
 Orangeville, PA 17859

Type of Facility Public Water Supply

Consulting Engineer J. Greg Myers
 DMS Environmental Services
 103 South Spring Street
 Bellefonte, PA 16823

Application Received December 5, 2012

Description of Action Withdraw water from permitted public water systems for bulk water deliveries. United Water of Pa Bloomsburg OP and Blossburg Mun. Auth.

Northwest Region: Safe Drinking Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

Permit No. 2512509, Public Water Supply

Applicant **Albion Borough**
 Township or Borough Albion Borough
 County **Erie**
 Responsible Official Becky Fehr
 Type of Facility Public Water Supply
 Consulting Engineer August E. Maas, P.E.
 Hill Engineering, Inc.
 8 Gibson Street
 North East, PA 16428

Application Received November 19, 2012
 Date

Description of Action Addition to Gage Road and Pont Road Water Treatment Improvements.

Permit No. 2512510, Public Water Supply

Applicant **Municipal Authority of the Borough of Waterford**
 Township or Borough Waterford Borough
 County **Erie**
 Responsible Official Bruce Coffin
 Type of Facility Public Water Supply
 Consulting Engineer August E. Maas, P.E.
 Hill Engineering, Inc.
 8 Gibson Street
 North East, PA 16428

Application Received November 27, 2012
 Date

Description of Action Transmission main from Hazel Street to West 2nd Street; Press filtration system at West 2nd Street.

Permit No. 2412503, Public Water Supply

Applicant **Jay Township Water Authority**
 Township or Borough Jay Township
 County **Elk**
 Responsible Official John Friday
 Type of Facility Public Water Supply
 Consulting Engineer Peter C. Buss
 Gibson-Thomas Engineering Co., Inc.
 1004 Ligonier Street
 Latrobe, PA 15650

Application Received November 1, 2012
 Date

Description of Action Replacement of filter media and installation of raw water flow metering.

MINOR AMENDMENT

Applications Received Under the Pennsylvania Safe Drinking Water Act

Northeast Region: Safe Drinking Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790

Application No. 3480021MA

Applicant **Bethlehem Authority**

[Township or Borough] East Allen Township
Northampton County

Responsible Official David Brong, Water & Sewer Resources Director
Bethlehem Authority
10 East Church Street
Bethlehem, PA 18017

Type of Facility Community Water System

Consulting Engineer NA

Application Received Date November 29, 2012

Description of Action Application for transfer of East Allen Township Municipal Authority PWS operation permit No. 3480021, issued February 19, 1999, to Bethlehem Authority.

Application No. 3480021MA

Applicant **Bethlehem Authority**

[Township or Borough] East Allen Township
Northampton County

Responsible Official David Brong, Water & Sewer Resources Director
Bethlehem Authority
10 East Church Street
Bethlehem, PA 18017

Type of Facility Community Water System

Consulting Engineer NA

Application Received Date November 29, 2012

Description of Action Application for transfer of East Allen Township Municipal Authority PWS operation permit No. 3480021, issued June 14, 2002, to Bethlehem Authority.

Application No. 3480021MA

Applicant **Bethlehem Authority**

[Township or Borough] East Allen Township
Northampton County

Responsible Official David Brong, Water & Sewer Resources Director
Bethlehem Authority
10 East Church Street
Bethlehem, PA 18017

Type of Facility Community Water System

Consulting Engineer NA

Application Received Date November 29, 2012

Description of Action Application for transfer of East Allen Township Municipal Authority PWS operation permit No. 3480021, issued September 20, 2004, to Bethlehem Authority.

Application No. 3480021MA

Applicant **Bethlehem Authority**

[Township or Borough] East Allen Township
Northampton County

Responsible Official David Brong, Water & Sewer Resources Director
Bethlehem Authority
10 East Church Street
Bethlehem, PA 18017

Type of Facility Community Water System

Consulting Engineer NA

Application Received Date November 29, 2012

Description of Action Application for transfer of East Allen Township Municipal Authority PWS operation permit No. 3480021, issued November 10, 2011, to Bethlehem Authority.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 1

Acknowledgment of Notices of Intent to Remediate Submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907)

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S. §§ 6026.302—6026.305) require the Department to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. A person intending to use the background standard, Statewide health standard, the site-specific standard or intend to remediate a site as a special industrial area shall file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one or a combination of cleanup standards or receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of the site. For the following site, proposed for remediation to a site-specific standard or as a special industrial area, the municipality, within which the site is located, may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified as follows. During this comment period, the municipality may request that the person identified as the mediator of the site develop

and implement a public involvement plan. Requests to be involved and comments should be directed to the remediator of the site.

For further information concerning the content of a Notice of Intent to Remediate, contact the environmental cleanup program manager in the Department regional office listed before the notice. If information concerning this acknowledgment is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following Notices of Intent to Remediate:

Northeast Region: Eric Supey, Environmental Cleanup and Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Sheridan Residence, 3650 Walt Whitman Lane, Hanover Township, **Northampton County**, Jeremy Bolyn, Environmental Maintenance Co., Inc., has submitted a Notice of Intent to Remediate on behalf of his client, Mr. Larry Sheridan, 3650 Walt Whitman Lane, Bethlehem, PA 18017, concerning the remediation of soil found to have been impacted by No. 2 fuel oil as a result of an overflow of approximately 35 gallons of fuel oil that leaked to a concrete basement floor. The applicant proposes to remediate the site to meet the Residential Statewide Health Standard for soil. The intended future use of the site is residential. A summary of the Notice of Intent to remediate was published in *The Morning Call*, on October 24, 2012. A Final Report was simultaneously submitted.

Southwest Region: Environmental Cleanup & Brownfield Development Program Manager, 400 Waterfront Drive, Pittsburgh, Pa 15222-4745

Bakery Square, 129 Denniston Avenue, City of Pittsburgh **Allegheny County**, American Geosciences, Inc., 3925 Reed Blvd., Suite 400, Murrysville, PA on behalf of Ira Weiss, Esquire, care of Pittsburgh Public Schools, 341 South Bellefield Avenue, Pittsburgh, PA 15213 has submitted a Notice of Intent to Remediate site soil impacted by arsenic and groundwater impacted by chlorinated solvent compounds. The planned future use of the property is a combination of single family homes and office buildings.

MUNICIPAL WASTE GENERAL PERMITS

Application for General Permit Renewal Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Municipal Waste Regulations for a General Permit to Operate Municipal Waste Processing Facilities and the Beneficial Use of Municipal Waste.

Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17106-9170.

General Permit Application No. WMGM017D001. Two Particular Acres, 248 Rittenhouse Rd. Royersford, PA 19468. This permit renewal application is for the processing and beneficial use of compost of manure, yard waste, source separated food scraps from food markets, grocery stores, food banks, food distribution centers, school cafeterias and institutions, source-separated newspaper and source-separated corrugated paper as soil substitute, soil conditioner, fertilizer, mulch or soil

amendment. The application for renewal was received by the Department on March 21, 2012.

Persons with questions may contact Scott E. Walters, Chief, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 69170, Harrisburg, PA 17106-9170, 717-787-7381. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS NEW SOURCES AND MODIFICATIONS

The Department has developed an "integrated" plan approval, State Operating Permit and Title V Operating Permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regulated community and the public. This approach allows the owner or operator of a facility to complete and submit permitting documents relevant to its application one time, affords an opportunity for public input and provides for sequential issuance of the necessary permits.

The Department received applications for Plan Approvals or Operating Permits from the following facilities.

Copies of these applications, subsequently prepared draft permits, review summaries and other support materials are available for review in the regional office listed before the applications. Persons interested in reviewing the application files should contact the appropriate regional office to schedule appointments.

Persons wishing to receive a copy of a proposed Plan Approval or Operating Permit shall indicate interests to the Department regional office within 30 days of the date of this notice and shall file protests or comments on a proposed Plan Approval or Operating Permit within 30 days of the Department providing a copy of the proposed documents to persons or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that hearings be held concerning a proposed Plan Approval or Operating Permit. A comment or protest filed with the Department regional office shall include a concise statement of the objections to the issuance of the Plan Approval or Operating Permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior the date of the hearing.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the regional office listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Final Plan Approvals and Operating Permits will contain terms and conditions to ensure that the source is constructed and operating in compliance with applicable requirements in 25 Pa. Code Chapters 121—143, the Federal Clean Air Act (42 U.S.C.A. §§ 7401—7671q) and regulations adopted under the Federal Clean Air Act.

Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790

Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507

45-00012: Royal Chemical Co. (1755 Enterprise Parkway, Twinsburg, OH 44087) for the administrative amendment of the operating permit to include request for determinations and increased recordkeeping at the soap and detergent manufacturing facility in East Stroudsburg Borough, **Monroe County**. The source is considered a minor emission source of volatile organic compound emissions. This is a State-Only operating permit. The State-Only operating permit includes conditions designed to keep the facility operating within all applicable air quality requirements.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701

Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648

08-313-004L: Global Tungsten & Powders Corp. (1 Hawes Street, Towanda, PA 18848) to revise Section D, Condition No. 9 to modify the minimum scrubber circulation rate from 145 gallons/min to 125 gallons/min in Towanda Borough, **Bradford County**. No increase in allowable emissions is associated with the proposed plan approval revision.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481

Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6636

43-319C: John Maneely Company, Wheatland Tube Division, Church Street Plant (P.O. Box 608, Wheatland, PA 16161), for construction of a natural gas fired annealing furnace, a natural gas fueled atmosphere generator and expansion of the application of rust inhibitor. These changes will take place at the facility located at 20 Church Street, in Wheatland Borough, **Mercer County**.

Pursuant to 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department of Environmental Protection (DEP) intends to issue Plan Approval 43-319C to John Maneely Company for the construction of a natural gas fired annealing furnace, a natural gas fueled atmosphere generator and expansion of the application of rust inhibitor. This facility is located in Wheatland Borough, Mercer County. The Plan Approval will subsequently be incorporated into a facility Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

Plan Approval No. 43-319C is for the construction of a natural gas fired annealing furnace, a natural gas fueled atmosphere generator and expansion of the application of rust inhibitor. Based on the information provided by the applicant and DEP's own analysis, the combined subject sources will have the projected actual emissions of approximately 39 tons per year (tpy) of nitrogen oxides, 23.4 tpy of carbon monoxide, 13.8 tpy of volatile organic compounds, 0.8 tpy of particulate matter and 0.2 tpy of sulfur oxides.

The Plan Approval will contain emission restrictions, along with testing, monitoring, recordkeeping, reporting, work practice and additional requirements designed to keep the facility operating within all applicable air quality requirements.

62-172B: Glenn O Hawbaker Inc., Brokenstraw Facility (711 East College Avenue, Bellefonte, PA 16823), for modifications to state only operating permit 62-00172. The proposed changes include an increase in hourly throughput for sources 105, 106 and 107, from 350 tons per hour to 500 tons per hour and that sources 031, 032 and 034 be permitted as non-road engines. This request is for the Brokenstraw Facility (Plant 22), which is located at 110 Muzzle Loaders Lane, Pittsfield, PA 16340. This facility is located in Pittsfield Township, **Warren County**.

Pursuant to 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department of Environmental Protection (DEP) intends to issue Plan Approval 62-172B to Glenn O Hawbaker Inc. for modifications to state only operating permit 62-00172. This facility is located in Pittsfield Township, Warren County. The Plan Approval will subsequently be incorporated into a facility Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

Plan Approval No. 62-172B is for modifications to state only operating permit 62-00172. Based on the information provided by the applicant and DEP's own analysis, the combined sources at this facility will have the potential to emit approximately 73.04 tons per year of nitrogen oxides, 16.27 tons per year of carbon monoxide, 41.72 tons per year of particulate matter (PM₁₀), 10.08 tons per year of sulfur oxides and 0.43 tons per year of volatile organic compounds.

The Plan Approval will contain testing, recordkeeping, work practice and additional requirements designed to keep the facility operating within all applicable air quality requirements.

OPERATING PERMITS

Intent to Issue Title V Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter G.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-4174

63-00550: USA South Hills Landfill (3100 Hill Road, South Park Township, PA 15129) for a solid waste landfill at the South Hills Landfill in Union Township, **Washington County**. This is a Title V Operating Permit renewal application submittal.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481

Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6131

16-00124: Peoples Natural Gas Company LLC—Truittsburg Station (5093 Truittsburg Road, Fairmont City, PA 16224), intends to issue a Title V Operating Permit (renewal) for the facility located in Redbank Township, **Clarion County**. PNG pumps natural gas from local production fields and / or PNG's transmission systems and distributes to the gas to pipelines or underground storage fields. The facility's major emission sources include 4 engines, dehydration systems, an emer-

gency generator, air compressor, miscellaneous process equipment, a parts washer, and methanol storage tanks. The facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments due to the facility's potential to emit NO_x and VOCs. The facility is therefore subject to the Title V Operating Permit requirements adopted in 25 Pa. Code Chapter 127, Subchapter G.

The Spark Ignition (SI) stationary Reciprocating Internal Combustion Engines (RICE) are subject to the National Emission Standards for Hazardous Air Pollutant (NESHAP) in 40 CFR Part 63 Subpart ZZZZ (for Sources 101, 102, 103, 104, 108, and 110). The glycol dehydration units are subject to 40 CFR 63 Subpart HH. The facility is major for Nitrogen Oxide (NO_x) and therefore subject to Reasonably Available Control Technology (RACT) requirements of 25 Pa. Code §§ 129.91—129.95. The RACT requirements were established in a previous authorization.

Copies of the application, the Department's analysis and other documents used in the evaluation of the application are available for public inspection during normal business hours at the Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335.

Any person wishing to provide the Department of Environmental Protection with additional information they believe should be considered prior to the issuance of this permit may submit the information to the Department at the address shown above. A 30-day comment period, from the date of this publication, will exist for the submission of comments. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit (specify Permit # TV 16-00124) and concise statements regarding the relevancy of the information in the proposed permit or objections to issuance of the permit.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Mr. John F. Guth, Program Manager, Air Quality, Department of Environmental Protection, Northwest Region, 230 Chestnut Street, Meadville, PA 16335. For additional information concerning the permit or the issuance procedure, contact Mr. Matthew M. Williams, Facilities Section Chief, Air Quality Program, at the same address or phone at (814) 332-6940.

Intent to Issue Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110

Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Program Manager—Telephone: 717-705-4702.

07-03002: Pittsburgh Glass Works, LLC (P. O. Box 307, Tipton, PA 16684-0307) for glass screen-printing, bending and tempering operation located in Antis Township, **Blair County**.

In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit renewal for the abovementioned facility.

The subject facility has actual emissions of 2.9 tons per year NO_x, 0.6 tons per year carbon monoxide, 8.8 tons per year of volatile organic compounds, 0.5 tons per year sulfur oxides, and 0.21 tons per year particulate matter. The Operating Permit will include emission limits and work practice standards along with monitoring, record-keeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Southcentral Regional Office, at 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed operating permit renewal, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments or protests.

Thomas J. Hanlon, P.E., Facility Permitting Chief, may be contacted at 717-705-4863, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments, protests or requests for a public hearing.

67-05062: Gerard Daniel Worldwide—Keystone Facility (34 Barnhart Drive, Hanover, PA 17331) for operation of their industrial steel wire cloth manufacturing facility in Hanover Borough, **York County**.

In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit renewal for the abovementioned facility.

Actual 2011 emissions at the facility are estimated to be 4.8 tons of VOCs and less than one ton each of PM₁₀, PM_{2.5}, CO, SO_x, NO_x and combined HAPs. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 25 Pa. Code § 129.77—Control of emissions from the use or application of adhesives, sealants, primers and solvents.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Southcentral Regional Office, at 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain

the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit. A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments, protests or requests for a public hearing.

William Weaver, Air Quality Program Manager, may be contacted at 717-705-4702, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments, protests or requests for a public hearing.

67-03079: Hercon Pharmaceuticals, LLC (101 Sinking Spring Lane, Emigsville PA 17318) for operation of transdermal coating line with VOC control in Manchester Township, **York County**. This is a renewal of their State-Only Operating Permit issued in 2007.

In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit for the abovementioned facility.

The subject facility has the potential-to-emit approximately 15 tpy VOC and less than 1 tpy combined HAPs. The Operating Permit will include emission limits and work practice standards along with monitoring and recordkeeping requirements to ensure the facility complies with the applicable air quality regulations.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Southcentral Regional Office, at 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments or protests.

William Weaver, Program Manager, may be contacted at 717-705-4702, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701

Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648

53-00013: C.A. Elliott Lumber Company (PO Box 272, Roulette, PA 16746) for their lumber facility in Roulette Township, **Potter County**. In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue a renewal of an Air Quality Operating Permit for the abovementioned facility. The subject facility has the following potential emissions: 10.30 TPY of NO_x; 12.62 TPY of CO; 0.61 TPY of VOC; 10.44 TPY of PM/PM₁₀ and 0.53 TPY of SO_x. The

operating permit will include emission limits and work practice standards along with monitoring, record keeping and reporting requirements to ensure the facility complies with all applicable air quality regulations.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Northcentral Regional Office at 208 West Third Street, Suite 101, Williamsport, Pa 17701.

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period from the date of publication of this notice in the *Pennsylvania Bulletin* will exist for the submission of comments or protests.

Muhammad Q. Zaman, Environmental Program Manager, may be contacted at 570-327-3648, or at PA DEP Air Quality Program, 208 West Third Street, Suite 101, Williamsport, Pa 17701, for additional information or for the submission of comments or protests.

08-00027: Oak Hill Veneer, Inc. (PO Box 304, Troy, PA 16947) for their veneer manufacturing facility located in Troy Township, **Bradford County**. In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue a renewal of an Air Quality Operating Permit for the abovementioned facility. The subject facility has the following potential emissions: 7.86 TPY of NO_x; 97.97 TPY of CO; 1.78 TPY of VOC; 45.56 TPY of PM/PM₁₀ and 1.79 TPY of SO_x. The operating permit will include emission limits and work practice standards along with testing, monitoring, record keeping and reporting requirements to ensure the facility complies with all applicable air quality regulations.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Northcentral Regional Office at 208 West Third Street, Suite 101, Williamsport, Pa 17701.

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period from the date of publication of this notice in the *Pennsylvania Bulletin* will exist for the submission of comments or protests.

Muhammad Q. Zaman, Environmental Program Manager, may be contacted at 570-327-3648, or at PA DEP Air Quality Program, 208 West Third Street, Suite 101, Williamsport, Pa 17701, for additional information or for the submission of comments or protests.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481

Contact: Edward Orris, New Source Review Chief—
Telephone: 814-332-6131

43-00354: Terralinks, Inc. (478 Beaver Road, West Pittsburgh, PA 16160) to issue a new State Only Operating Permit for their sand processing facility in Jackson Township, **Mercer County**. The primary sources at the facility are a fluidized bed dryer and truck traffic and loading and unloading of trucks. Particulate matter emissions from the dryer are controlled by a cyclone and a baghouse. The facility is a Natural Minor. Potential emissions are as follows: PM 19 tpy; NO_x 1 tpy; SO_x less than 1 tpy; CO 1 tpy; VOC less than 1 tpy; and HAPs less than 1 tpy. The permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.20a). Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department. A copy of the application is available for inspection at the district mining office indicated before each application. Notices of requests for 401 Water Quality Certifications are included in individual application notices, as noted.

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on a mining permit application and request for Section 401 water quality certification application may be submitted by any person or any officer or head of any Federal, state or local government agency or authority to the Department at the address of the district mining office indicated before each application within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34.

Written comments or objections regarding a mining permit application should contain the name, address and telephone number of persons submitting comments or objections, application number and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based.

A request for an informal conference or a public hearing, as applicable, on a mining permit application, as provided by 25 Pa. Code § 77.123 or § 86.34, must contain the name, address and telephone number of the requestor; the application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

When an NPDES number is listed, the mining activity permit application was accompanied by an application for

an individual NPDES permit. A separate notice will be provided after the draft NPDES permit is prepared.

Coal Applications Received

California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100

30831303. Cumberland Coal Resources, LP, (P. O. Box 1020, 158 Portal Road, Waynesburg, PA 15370). To revise the permit for the Cumberland Mine in Wayne Township, **Greene County** to add acreage to the subsidence control permit area for development mining. Subsidence Control Plan Acres Proposed 3016.0. No additional discharges. The application was considered administratively complete on December 6, 2012. Application received: September 18, 2012.

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900

32070104 and NPDES No. PA0262404. P & N Coal Company, Inc., P. O. Box 332, Punxsutawney, PA 15767, revision of an existing bituminous surface mine to add 2.7 acres to the SMP boundary, 1.4 acre projected for coal removal in Banks Township, **Indiana County**, affecting 37.3 acres. Receiving stream(s): unnamed tributaries to South Branch of Bear Run, unnamed tributary to Cush Creek, UT to Brady Run classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: November 20, 2012.

Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, 724-925-5500

63070102 and NPDES Permit No. PA0251186. Oxford Mining Co., LLC (544 Chestnut Street, P. O. Box 427, Coshocton, OH 43812). Renewal application for reclamation only to an existing bituminous surface mine, located in Jefferson Township, **Washington County**, affecting 99.7 acres. Receiving streams: unnamed tributaries to Scott Run, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: November 29, 2012.

Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191

33080105 and NPDES Permit No. PA0258547. Original Fuels, Inc. (P. O. Box 343, Punxsutawney, PA 15767) Renewal of an existing bituminous surface mine in Perry & Young Townships, **Jefferson County** affecting 435.4 acres. Receiving streams: Three unnamed tributaries to Mahoning Creek, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: December 4, 2012.

Noncoal Applications Received

Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, 724-925-5500

26072802. Bullskin Stone & Lime, LLC (P. O. Box 528, Latrobe, PA 15650). Renewal application to a permitted small noncoal surface mine for commencement, operation and reclamation, located in Bullskin Township, **Fayette County**, affecting 5.0 acres. Receiving stream: unnamed tributary to Latta Run, classified for the following use: CWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: November 21, 2012.

Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191

37930306. Three Rivers Aggregates, Inc. (225 North Shore Drive, Pittsburgh, PA 15212) Revision to an existing large industrial minerals mine to add 1.6 acres in Plain Grove Township, **Lawrence County** affecting 128.6 acres. Receiving streams: Unnamed tributary to Taylor Run, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: November 29, 2012.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118

58062808. Meshoppen Stone, Inc., (P. O. Box 127, Meshoppen, PA 18630), Stage I & II bond release from a quarry operation in Forest Lake Township, **Susquehanna County** affecting 4.0 acres on property owned by Mary Alice Hawley (Estate of Julie B. Capwell). Application received: November 14, 2012.

MINING ACTIVITY NPDES DRAFT PERMITS

This notice provides information about applications for a new, amended or renewed NPDES permits associated with mining activity (coal or noncoal) permits. The applications concern industrial waste (mining) discharges to surface water and discharges of stormwater associated with mining activities. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

The Department of Environmental Protection (Department) has prepared a draft NPDES permit and made a tentative determination to issue the NPDES permit in conjunction with the associated mining activity permit.

Effluent Limits for Coal Mining Activities

For coal mining activities, NPDES permits, when issued, will contain effluent limits that are the more stringent of technology-based (BAT) effluent limitations or Water Quality Based Effluent Limits (WQBEL).

The BAT limits for coal mining activities, as provided in 40 CFR Part 434 and 25 Pa. Code Chapters 87—90 are as follows:

| <i>Parameter</i> | <i>30-Day Average</i> | <i>Daily Maximum</i> | <i>Instantaneous Maximum</i> |
|----------------------------------|---------------------------|---------------------------------|----------------------------------|
| Iron (Total) | 3.0 mg/l | 6.0 mg/l | 7.0 mg/l |
| Manganese (Total) | 2.0 mg/l | 4.0 mg/l | 5.0 mg/l |
| Suspended solids | 35 mg/l | 70 mg/l | 90 mg/l |
| pH* | | greater than 6.0; less than 9.0 | |
| Alkalinity greater than acidity* | | | |

*The parameter is applicable at all times.

In addition, the Department imposes a technology-based aluminum limit of 2.0 mg/l (30 day average) to protect stream uses.

A settleable solids instantaneous maximum limit of 0.5 ml/l applies to: surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; mined areas backfilled and revegetated; and all other discharges and drainage (resulting from a precipitation event of greater than 1-year 24-hour to less than or equal to a 10-year 24-hour event) from coal refuse disposal piles. Similarly, modified BAT limits apply to iron, manganese and suspended solids in surface runoff, discharges and drainage resulting from these precipitation events and those of greater magnitude in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

Exceptions to BAT effluent limits may be applicable in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

Effluent Limits for Noncoal Mining Activities

The BAT limits for noncoal mining activities as provided in 40 CFR Part 436 and 25 Pa. Code Chapter 77 are as follows:

| <i>Parameter</i> | <i>30-day Average</i> | <i>Daily Maximum</i> | <i>Instantaneous Maximum</i> |
|-------------------------------|---------------------------|---------------------------------|----------------------------------|
| Suspended solids | 35 mg/l | 70 mg/l | 90 mg/l |
| Alkalinity exceeding acidity* | | | |
| pH* | | greater than 6.0; less than 9.0 | |

* The parameter is applicable at all times.

Discharges from noncoal mines located in some geologic settings (for example, in the coal fields) may require additional water quality based effluent limits. If additional effluent limits are needed for an NPDES permit associated with a noncoal mining permit, then the permit description specifies the parameters.

In addition to BAT or WQBEL limits, coal and noncoal NPDES permits establish effluent limitations in the form of implemented Best Management Practices (BMPs) identified in the associated Erosion and Sedimentation Plan, the Reclamation Plan and the NPDES permit application. These BMPs restrict the rates and quantities of associated pollutants from being discharged into surface waters in this Commonwealth.

More restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining that may occur are incorporated into an NPDES permit when necessary for compliance with water quality standards and antidegradation requirements (in accordance with 25 Pa. Code Chapters 91—96).

The procedures for determining the final effluent limits, using a mass-balance equation or model, are found in Technical Guidance Document 362-0600-001, NPDES Program Implementation—Memorandum of Understanding (MOU) Concerning Water Quality Management, NPDES Program Implementation, and Related Matters. Other specific factors to be considered include public comments and Total Maximum Daily Load(s). Additional discharge limitations may apply in the event that unexpected discharges occur.

Discharge rates for surface mining activities are precipitation driven. Discharge rates for proposed discharges associated with underground mining are noted in the permit description.

Persons wishing to comment on an NPDES draft permit should submit a written statement to the Department at the address of the district mining office indicated before each draft permit within 30 days of this public notice. Comments received within the comment period will be considered in the final determinations regarding the NPDES permit applications. Comments must include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests or petitions for a public hearing on NPDES permit applications, as provided in 25 Pa. Code § 92a.82(d). The request or petition for a public hearing shall be filed within 30 days of this public notice and contain the name, address, telephone number and the interest of the party filing the request, and state the reasons why a hearing is warranted. A public hearing may be held if the Department considers the public interest significant. If a hearing is scheduled, a notice of the hearing on the NPDES permit application will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. When a public hearing is held, the Department will consider comments from the public hearing in the final determination on the NPDES permit application.

Coal NPDES Draft Permits

California District Office: 25 Technology Drive, Coal Center, PA 15423, 724.769.1100

NPDES No. PA0235512 (Mining Permit No. 11031702), ArcelorMittal Pristine Resources, Inc., (P. O. Box 36, 129 Bethlehem Road, Revloc, PA 15948). A renewal to the NPDES and mining activity permit for the Mine 77 AMD Plant in East Taylor Township, **Cambria County** for post-mining discharge water treatment. Receiving stream: Unnamed Tributary to Little Conemaugh River, classified for the following use: WWF. Kiskiminetas-Conemaugh River Watersheds TMDL. The application was considered administratively complete on October 27, 2009. Application received: October 6, 2009.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for coal mining activities.

Outfall 001 discharges to: Unnamed Tributary to Little Conemaugh River

The proposed effluent limits for *Outfall 001* (Lat: 40° 22' 48" Long: 78° 50' 58") are:

| <i>Parameter</i> | <i>Minimum</i> | <i>30-Day Average</i> | <i>Daily Maximum</i> | <i>Instant. Maximum</i> |
|-------------------------------|----------------|---------------------------|--------------------------|-----------------------------|
| <i>Flow (mgd)</i> | | - | 1.58 | - |
| Iron (mg/l) | | 1.5 | 3.0 | 3.8 |
| Manganese (mg/l) | | 1.0 | 2.0 | 2.5 |
| Aluminum (mg/l) | | 0.38 | 0.75 | 0.94 |
| Settleable Solids (ml/l) | | 0.2 | 0.4 | 0.5 |
| Total Suspended Solids (mg/l) | | 35 | 70 | 90 |

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900

NPDES No. PA058976 (Mining permit no. 56900112), Rosebud Mining Company, 301 Market Street, Kittanning, PA 16201, renewal of an NPDES permit for a bituminous coal surface mining operation in Summit Township, **Somerset County**, affecting 650 acres. Receiving stream(s): Stony Batter Run and Shafer Run, classified for the following use(s): cold water fishery. This receiving stream is included in the Casselman River TMDL. Application received: December 20, 2010.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for coal mining activities.

The outfall(s) listed below discharge to Stony Batter Run and Shafer Creek.

| <i>Outfall Nos.</i> | <i>New Outfall (Y/N)</i> |
|--------------------------|--------------------------|
| 001—Treatment Facility 2 | N |
| 003—Treatment Facility 5 | N |
| 006—Treatment Facility 7 | N |
| 015—Treatment Facility 4 | N |
| 016—Treatment Facility 6 | N |
| 007—Sediment Pond 2 | N |
| 008—Sediment Pond 4 | N |
| 009—Sediment Pond 5 | N |
| 010—Sediment Pond 1 | N |
| 011—Sediment Pond 3 | N |

| <i>Outfall Nos.</i> | <i>New Outfall (Y/N)</i> |
|---------------------|--------------------------|
| 013—Sediment Pond 3 | N |
| 014—Sediment Pond 7 | N |

The proposed effluent limits for the above listed outfall(s) are as follows:

| <i>Outfalls: 001, 002</i> | <i>30-Day</i> | <i>Daily</i> | <i>Instant.</i> |
|--|----------------|----------------|-----------------|
| <i>Parameter</i> | <i>Average</i> | <i>Maximum</i> | <i>Maximum</i> |
| Iron (mg/l) | 3.0 | 6.0 | 7.0 |
| Manganese (mg/l) | 2.0 | 4.0 | 5.0 |
| Aluminum (mg/l) | 0.75 | 1.5 | 1.9 |
| Osmotic Pressure (milliosmoles/kg) | 50.0 | 50.0 | 50.0 |
| pH (S.U.): Must be between 6.0 and 9.0 standard units at all times | | | |
| Alkalinity must exceed acidity at all times | | | |

| <i>Outfalls: 006</i> | <i>30-Day</i> | <i>Daily</i> | <i>Instant.</i> |
|--|----------------|----------------|-----------------|
| <i>Parameter</i> | <i>Average</i> | <i>Maximum</i> | <i>Maximum</i> |
| Iron (mg/l) | 3.0 | 6.0 | 7.0 |
| Manganese (mg/l) | 2.0 | 4.0 | 5.0 |
| Aluminum (mg/l) | 0.85 | 1.7 | 2.1 |
| Total Suspended Solids (mg/l) | 35.0 | 70.0 | 90.0 |
| Osmotic Pressure (milliosmoles/kg) | 50.0 | 50.0 | 50.0 |
| pH (S.U.): Must be between 6.0 and 9.0 standard units at all times | | | |
| Alkalinity must exceed acidity at all times | | | |

| <i>Outfalls: 015, 016</i> | <i>30-Day</i> | <i>Daily</i> | <i>Instant.</i> |
|--|----------------|----------------|-----------------|
| <i>Parameter</i> | <i>Average</i> | <i>Maximum</i> | <i>Maximum</i> |
| Iron (mg/l) | 3.0 | 6.0 | 7.0 |
| Manganese (mg/l) | 2.0 | 4.0 | 5.0 |
| Aluminum (mg/l) | 1.6 | 3.2 | 4.0 |
| Osmotic Pressure (milliosmoles/kg) | 50.0 | 50.0 | 50.0 |
| pH (S.U.): Must be between 6.0 and 9.0 standard units at all times | | | |
| Alkalinity must exceed acidity at all times | | | |

| <i>Outfalls: 007, 008, 009, 010, 011, 013, 014</i> | <i>Instant.</i> |
|--|-----------------|
| <i>Parameter</i> | <i>Maximum</i> |
| Iron (mg/l) | 7.0 |
| Manganese (mg/l) | 5.0 |
| Aluminum (mg/l) | 4.0 |
| Total Suspended Solids (mg/l) Total Settleable Solids | 0.5 |
| pH (S.U.): Must be between 6.0 and 9.0 standard units at all times | |
| Alkalinity must exceed acidity at all times | |

Noncoal NPDES Draft Permits

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118

NPDES No. PA0613312 on Surface Mining Permit No. 7674SM1. Pennsy Supply, Inc., (P. O. Box 3331, Harrisburg, PA 17105), revision and renewal of an NPDES Permit for a Limestone Quarry Operation in South Lebanon and Jackson Townships, **Lebanon County**, affecting 461.60 acres. Receiving stream: Tulpehocken Creek, classified for the following use: cold water fishes (No TMDL). Application received: August 17, 2012.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are BAT limits described above for noncoal mining activities.

The outfall(s) listed below discharge to Tulpehocken Creek.

| <i>Outfall No.</i> | <i>New Outfall Y/N</i> | <i>Type</i> |
|--------------------|------------------------|-----------------------------|
| 001 | No | Ground Water/Pit Dewatering |
| 002 | No | Ground Water/Pit Dewatering |
| 003 | Yes | Ground Water/Pit Dewatering |

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department. Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the Commonwealth to certify that the involved projects will not violate the sections 301—303, 306 and 307 of the FWPCA (33

U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA, the issuance of a Dam Permit or Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment shall submit comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted before an application. Comments should contain the name, address and telephone number of the person

commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Each individual will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between 8 a.m. and 4 p.m. on working days at the office noted before the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Applications Received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and Requests for Certification under section 401(a) of the FWPCA.

WATER OBSTRUCTIONS AND ENCROACHMENTS

Northeast Region: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, Telephone 570-826-2511.

E35-443. Pennsylvania American Water Company, 800 West Hershey Park Drive, Hershey, PA 17033, in City of Scranton, **Lackawanna County**, U.S. Army Corps of Engineers, Baltimore District.

To fill approximately 270 feet of an isolated watercourse and a de minimus area of isolated wetlands equal to 0.05 acre located in the Lackawanna River Watershed (CWF, MF) for the purpose of constructing a project known as the Stafford Avenue Operations Center. The project is located on the northwest side of Stafford Avenue approximately 0.20 mile northeast of its intersection with Kane Street (Avoca, PA Quadrangle, Latitude: 41°22'30.0"; Longitude: -75°40'40.8").

E13-174. Pennsylvania Department of Transportation, Engineering District 5-0, 1002 Hamilton Street, Allentown, PA 18103-1013, in Jim Thorpe Borough, **Carbon County**, U.S. Army Corps of Engineers, Philadelphia District.

To remove the existing structure; and to construct and maintain a 58-foot wide four-span continuous steel plate girder bridge with reinforced concrete abutments and wingwalls approximately 900 feet upstream of the existing structure. The structure will have a span of 963 feet and an approximate under-clearance of 100 feet over the Lehigh River (HQ-CWF, MF) and the Lehigh Canal. The project is located along S.R. 903, Section 03B, Segment 0010, Offset 00024 (Lehigh, PA Quadrangle, Latitude: 40°52'12"N; Longitude: 75°44'17"W).

Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone: 717.705.4802.

E22-572: Royalton Borough Authority, 101 Northumberland Street, Royalton, Pennsylvania 17057, in Royalton Borough, **Dauphin County**, ACOE Baltimore District

To construct and maintain a 300.0-square foot concrete block building and associated access drive in the floodplain of Swatara Creek (WWF, MF) for the purpose of providing increased water pressures to residences in the Upper Ward of the Borough. The project is located immediately west of the intersection of Grubb Street and Edgewater Drive (Middletown, PA Quadrangle; N: 12.0 inches, W: 14.4 inches; Latitude: 40(11'29", Longitude: -76(43'41") in Royalton Borough, Dauphin County.

E36-900: Columbia Heritage River Cottage Association, Inc., PO Box 618, Columbia, Pennsylvania 17512, in Columbia Borough, **Lancaster County**, ACOE Baltimore District

To maintain the following existing docking facilities in and along the Susquehanna River (WWF, MF):

1) 532.0-square foot Temporary Wooden Dock (Latitude: 40°01' 45.1", Longitude: -76°30'26.5"),

2) 16.0-foot by 24.0-foot Temporary Wooden Dock (Latitude: 40°01'44.9", Longitude: -76°30'25.4"),

3) 16.0-foot by 35.0-foot Permanent Concrete Dock with a 4.0-foot by 16.0-foot and a 12.0-foot by 12.0-foot Temporary Wooden Docks (Latitude: 40°01'44.2", Longitude: -76°30'24.3"),

4) 12.0-foot by 17.0-foot Permanent Concrete Dock with a 4.0-foot by 20.0-foot Temporary Wooden Dock (Latitude: 40°01'43.4", Longitude: -76°30'23"),

5) 6.0-foot by 10.0-foot Permanent Concrete Dock with an 11.0-foot by 20.0-foot Temporary Wooden Dock (Latitude: 40°01'42.9", Longitude: -76°30'22.6"),

6) 10.0-foot by 18.0-foot and 10.0-foot by 38.0-foot Permanent Concrete Docks with a 4.0-foot by 4.0-foot Temporary Wooden Dock (Latitude: 40°01'42.7", Longitude: -76°30'22.2"),

7) 15.0-foot by 20.0-foot Permanent Concrete Dock (Latitude: 40°01'42.3", Longitude: -76°30'21.1"),

8) 14.0-foot by 48.0-foot Permanent Concrete Dock with a 16.0-foot by 24.0-foot Temporary Wooden Dock (Latitude: 40°01'42", Longitude: -76°30'20.6"),

9) 10.0-foot by 34.0-foot Permanent Concrete Dock with a 22.0-foot by 30.0-foot Temporary Wooden Dock (Latitude: 40°01'41.7", Longitude: -76°30'20.1"),

10) 13.0-foot by 63.0-foot Permanent Concrete Dock with a 20.0-foot by 23.0-foot Temporary Wooden Dock (Latitude: 40°01'41.5", Longitude: -76°30'19.7"),

11) 10.0-foot by 30.0-foot Permanent Concrete Dock with a 15.0-foot by 18.0-foot Temporary Wooden Dock (Latitude: 40°01'41.3", Longitude: -76°30'19.3"),

12) 10.0-foot by 15.0-foot Permanent Rock Dock with a 10.0-foot by 18.0-foot Aluminum and Wooden Dock (Latitude: 40°01'41", Longitude: -76°30'18.8"),

13) 7.0-foot by 35.0-foot Permanent Concrete Dock (Latitude: 40°01'40.6", Longitude: -76°30'18.0"),

14) 7.0-foot by 14.0-foot Permanent Concrete Dock with an 8.0-foot by 20.0-foot and a 4.0-foot by 7.5.0-foot Temporary Steel and Wooden Docks (Latitude: 40°01'40.5", Longitude: -76°30'17.9"),

15) 10.0-foot by 33.0-foot Permanent Concrete Dock with a 16.0-foot by 30.0-foot Temporary Wooden Dock (Latitude: 40°01'40.3", Longitude: -76°30'17.7"),

16) 12.0-foot by 50.0-foot Permanent Concrete Dock with a 10.0-foot by 24.0-foot Temporary Wooden Dock (Latitude: 40°01'40.1", Longitude: -76°30'17.4"),

17) 25.0-foot by 50.0-foot Permanent Concrete Dock (Latitude: 40°01'39.7", Longitude: -76°30'16.8"),

18) 9.0-foot by 25.0-foot and 15.0-foot by 30.0-foot Permanent Concrete Docks (Latitude: 40°01'39.4", Longitude: -76°30'16.5"),

19) 6.0-foot by 12.0-foot Permanent Concrete Dock (Latitude: 40°01'38.6", Longitude: -76°30'15.5"),

20) 26.0-foot by 54.0-foot Permanent Concrete Dock with a 3.0-foot by 10.0-foot Temporary Wooden Dock (Latitude: 40°01'38", Longitude: -76°30'14.9"),

21) 12.0-foot by 16.0-foot Permanent Concrete Dock with a 2.0-foot by 16.0-foot Temporary Wooden Dock (Latitude: 40°01'37", Longitude: -76°30'14"),

22) 20.0-foot by 75.0-foot and 11.0-foot by 22.0-foot Permanent Concrete Docks with a 6.0-foot by 10.0-foot, a 12.0-foot by 16.0-foot, and a 3.0-foot by 10.0-foot Temporary Wooden Docks (Latitude: 40°01'36.3", Longitude: -76°30'13.4"),

23) 18.0-foot by 24.0-foot Permanent Concrete Dock with a 3.0-foot by 10.0-foot Temporary Wooden Dock (Latitude: 40°01'35.6", Longitude: -76°30'11.7"),

24) 11.0-foot by 26.0-foot Permanent Concrete Dock (Latitude: 40°01'35.3", Longitude: -76°30'10.9"),

25) 15.0-foot by 23.0-foot Permanent Concrete Dock with a 5.0-foot by 10.0-foot Temporary Plastic Dock (Latitude: 40°01'35", Longitude: -76°30'10"),

26) 16.0-foot by 17.0-foot Permanent Concrete Dock (Latitude: 40°01'34.7", Longitude: -76°30'8.4"),

27) 14.0-foot by 24.0-foot Permanent Concrete Dock (Latitude: 40°01'34.6", Longitude: -76°30'7.9"), and

28) 12.0-foot by 20.0-foot and 12.0-foot by 14.0-foot Permanent Concrete Docks (Latitude: 40°01'34.5", Longitude: -76°30'7.5").

The facilities require a Submerged Land License Agreement to be executed.

Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636

E18-480. SEDA-COG Joint Rail Authority, 201 Furnace Road, Lewisburg, PA 17837. Woodward Avenue Extension, in Pine Creek Township, **Clinton County**, ACOE Baltimore District (Jersey Shore, PA Quadrangle N: 41°10'31"; W: -77°19'25").

To construct and maintain:

1) 2,600 linear feet of 18-foot wide cartway and accompanying parallel storm water system that create a net cut of 187 cubic yards of fill in the left 100-year FEMA floodway of the West Branch Susquehanna River,

2) 800 square foot impact to wetlands as a result of the road construction,

3) replace an existing 36-foot long by 36-inch culvert with a 97-foot long by 36-inch HDPE culvert and,

4) a 22-foot by 24-inch HDPE extension to an existing 40-foot long by 21-inch CMP culvert in an unnamed tributary to the Susquehanna River, all of which is located between the Avis exit of SR 220 and the Village of South Avis.

The applicant proposes to: 1) temporarily impact 916 square feet of wetlands, 2) permanently impact 818 square feet of wetlands, 3) 125 linear feet of an unnamed tributary to the Susquehanna River that is classified as a Cold Water Fishery.

Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

E10-478, Evans City Water and Sewer Authority, 204 B South Jackson Street, Evans City, PA 16033. Evans City Borough Sewage Treatment Plant Improvement Project, in Evans City Borough and Jackson Township, **Butler County**, ACOE Pittsburgh District (Evans City, PA Quadrangle N: 40°, 46', 18.5"; W: 80°, 04', 08.1").

To remove the existing sewage treatment plant on North Washington Street Extension and to construct and maintain a new sewage treatment plant including buildings, tanks, stormwater basins and associated grading within the 100-year flood plain of Breakneck Creek and to construct and maintain a sanitary sewer effluent and stormwater outfalls to Breakneck Creek.

E10-480, VA Butler Partners Company, LLC, 5301 Grant Avenue, Suite 100, Cleveland, OH 44125. Butler VA Outpatient Care Facility, in Butler Township, **Butler County**, ACOE Pittsburgh District (Butler, PA Quadrangle N: 40°, 52', 03"; W: 79°, 56', 50.4").

To construct an outpatient care facility and associated access roads and parking lots adjacent to the existing Butler VA hospital. Project proposes to permanently fill 0.77 acre of wetland (0.516ac PEM, 0.067ac PSS, 0.187ac PFO) and 35 LF of UNT Little Connoquenessing Creek. Mitigation includes the construction of 0.72 acre of wetland onsite (0.16ac PEM, 0.56ac PFO) and an additional payment into the PA Wetland Replacement Fund of \$15,000.

District Oil and Gas Operations: Eastern Oil & Gas District, 208 West Third Street, Suite 101, Williamsport, PA 17701

E5829-045. Susquehanna Gathering Company 1, LLC, PO Box 839, New Milford, PA 18834; Jackson Township, **Susquehanna County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) a 12 inch diameter natural gas steel gathering line, 16 inch diameter waterline, and a temporary timber bridge crossing impacting 65 lineal feet of an unnamed tributary to Tunkhannock Creek (CWF, MF) (Thompson, PA Quadrangle; N 41° 52' 04" Lat., W -75° 36' 14" Long.),

2) a 12 inch diameter natural gas steel gathering line, 16 inch diameter waterline, and a temporary timber bridge crossing impacting 53 lineal feet of an unnamed tributary to Tunkhannock Creek (CWF, MF) (Thompson, PA Quadrangle; N 41° 51' 06" Lat., W -75° 36' 12" Long.),

3) an 8 inch diameter natural gas steel gathering line, 16 inch diameter waterline, and a temporary timber bridge crossing impacting 52 lineal feet of an unnamed tributary to Tunkhannock Creek (CWF, MF) (Thompson, PA Quadrangle; N 41° 51' 06" Lat., W -75° 36' 00" Long.),

4) a 12 inch diameter natural gas steel gathering line, 16 inch diameter waterline, and a temporary timber bridge crossing impacting 51 lineal feet of an unnamed tributary to Tunkhannock Creek (CWF, MF) (Thompson, PA Quadrangle; N 41° 50' 47" Lat., W -75° 36' 24" Long.),

5) a 12 inch diameter natural gas steel gathering line, 16 inch diameter waterline, and a temporary timber bridge crossing impacting 55 lineal feet of an unnamed tributary to Tunkhannock Creek (CWF, MF) (Thompson, PA Quadrangle; N 41° 50' 32" Lat., W -75° 36' 42" Long.),

6) a 12 inch diameter natural gas steel gathering line, 16 inch diameter waterline, and a temporary timber mat

crossing impacting 3,049 square feet (0.07 acre) of PFO wetland (Thompson, PA Quadrangle; N 41° 52' 14" Lat., W -75° 36' 32" Long.),

7) a 12 inch diameter natural gas steel gathering line, 16 inch diameter waterline, and a temporary timber mat crossing impacting 1,742 square feet (0.04 acre) of PFO wetland (Thompson, PA Quadrangle; N 41° 52' 04" Lat., W -75° 36' 14" Long.),

8) an 8 inch diameter natural gas steel gathering line, 16 inch diameter waterline, and a temporary timber mat crossing impacting 436 square feet (0.01 acre) of PFO wetland (Thompson, PA Quadrangle; N 41° 51' 06" Lat., W -75° 36' 00" Long.),

9) a 12 inch diameter natural gas steel gathering line, 16 inch diameter waterline, and a temporary timber mat crossing impacting 1,742 square feet (0.04 acre) of PSS wetland (Thompson, PA Quadrangle; N 41° 50' 46" Lat., W -75° 36' 24" Long.),

10) a 12 inch diameter natural gas steel gathering line, 16 inch diameter waterline, and a temporary timber mat crossing impacting 5,227 square feet (0.12 acre) of PFO wetland (Thompson, PA Quadrangle; N 41° 50' 47" Lat., W -75° 36' 23" Long.),

11) a 12 inch diameter natural gas steel gathering line, 16 inch diameter waterline, and a temporary timber mat crossing impacting 4,792 square feet (0.11 acre) of PEM wetland (Thompson, PA Quadrangle; N 41° 50' 31" Lat., W -75° 36' 43" Long.),

12) an 8 inch diameter natural gas steel gathering line, 16 inch diameter waterline, and a temporary timber mat crossing impacting 6,098 square feet (0.14 acre) of PFO wetland (Thompson, PA Quadrangle; N 41° 50' 24" Lat., W -75° 36' 34" Long.),

13) a 12 inch diameter natural gas steel gathering line, 16 inch diameter waterline, and a temporary timber mat crossing impacting 7,840 square feet (0.18 acre) of PFO wetland (Thompson, PA Quadrangle; N 41° 50' 05" Lat., W -75° 37' 02" Long.),

14) a 12 inch diameter natural gas steel gathering line, 16 inch diameter waterline, and a temporary timber mat crossing impacting 871 square feet (0.02 acre) of PFO wetland (Thompson, PA Quadrangle; N 41° 49' 51" Lat., W -75° 37' 06" Long.).

The project consists of connecting 5 well sites to the Bluestone Pipeline utilizing approximately 5.23 miles of gathering line (1.07 miles of 8" and 4.16 miles of 12") and waterline in Jackson Township, Susquehanna County. The project will result in the impact of 276 lineal feet (1,013 square feet) of unnamed tributaries to Tunkhannock Creek and 0.73 acre (31,799 square feet) of wetlands impacts, all for the purpose of conveying Marcellus Shale natural gas to market.

E5829-041. Susquehanna Gathering Company 1, LLC; PO Box 839, New Milford, PA 18834; New Milford Township, **Susquehanna County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) a 12 inch diameter natural gas steel gathering line, a 16 inch diameter waterline, and a temporary timber bridge crossing impacting 55 lineal feet of an unnamed tributary to Gibson Creek (CWF, MF) (Harford, PA Quadrangle; N 41° 50' 54" Lat., W -75° 40' 35" Long.),

2) a 12 inch diameter natural gas steel gathering line, 16 inch diameter waterline, and a temporary timber mat

crossing impacting 4,032 square feet (0.09 acre) of PEM wetland (Harford, PA Quadrangle; N 41° 50' 54" Lat., W -75° 40' 35" Long.),

3) a 12 inch diameter natural gas steel gathering line, a 16 inch diameter waterline, and a temporary timber bridge crossing impacting 54 lineal feet of an unnamed tributary to Gibson Creek (CWF, MF) (Harford, PA Quadrangle; N 41° 50' 51" Lat., W -75° 40' 41" Long.),

4) a 12 inch diameter natural gas steel gathering line, a 16 inch diameter waterline, and a temporary timber bridge crossing impacting 51 lineal feet of an unnamed tributary to Gibson Creek (CWF, MF) (Harford, PA Quadrangle; N 41° 50' 43" Lat., W -75° 40' 49" Long.),

5) a 16 inch diameter waterline, and a temporary timber mat crossing impacting 1,602 square feet (0.04 acre) of PEM wetland (Harford, PA Quadrangle; N 41° 50' 54" Lat., W -75° 40' 35" Long.).

The project consists of connecting 3 well sites to an approved pipeline utilizing approximately 1.82 miles of natural gas gathering line and waterline in New Milford Township, Susquehanna County. The project will result in the impact of 160 lineal feet (372 square feet) of unnamed tributaries to Gibson Creek and 0.13 acre (5,634 square feet) of wetlands impacts, all for the purpose of conveying Marcellus Shale natural gas to the Bluestone pipeline.

E4129-061: PVR Marcellus Gas Gathering, LLC, 100 Penn Tower Square, Suite 201 & 202, 25 West Third Street, Williamsport, PA 17701, McNett Township, **Lycoming County**, ACOE Baltimore District.

To construct, operate, and maintain:

(1) one 24 inch natural gas pipeline, one 16 inch natural gas pipeline, one 12 inch waterline, and a timber mat bridge impacting 110 linear feet of an unnamed tributary to Towanda Creek (CWF) (Grover Quadrangle 41°35'27"N 76°50'27"W);

(2) one 24 inch natural gas pipeline, one 16 inch natural gas pipeline, one 12 inch waterline, and a timber mat bridge impacting 210 linear feet of an unnamed tributary to North Branch Rock Run (EV, MF) (Grover Quadrangle 41°35'00"N 76°50'07"W);

(3) one 24 inch natural gas pipeline, one 16 inch natural gas pipeline, one 12 inch waterline, and a timber mat bridge impacting 32 linear feet an unnamed tributary to North Branch Rock Run (EV, MF) and 98 square feet of adjacent palustrine emergent (PEM) wetland (Grover Quadrangle 41°35'01"N 76°50'00"W);

(4) one 24 inch natural gas pipeline, one 16 inch natural gas pipeline, one 12 inch waterline, and a timber mat bridge impacting 1,407 square feet of palustrine scrub-shrub (PSS) wetland (Grover Quadrangle 41°35'16"N 76°49'21"W);

(5) one 24 inch natural gas pipeline, one 16 inch natural gas pipeline, one 12 inch waterline, and a timber mat bridge impacting 914 square feet of palustrine emergent (PEM) wetland (Grover Quadrangle 41°34'58"N 76°49'12"W);

(6) one 24 inch natural gas pipeline, one 16 inch natural gas pipeline, one 12 inch waterline, and a timber mat bridge impacting 84 linear feet of Schrader Creek (EV, MF) and 3,935 square feet of adjacent palustrine emergent (PEM) wetland (Grover Quadrangle 41°35'00"N 76°48'50"W);

(7) one 24 inch natural gas pipeline, one 16 inch natural gas pipeline, one 12 inch waterline, and a timber

mat bridge impacting 932 square feet of palustrine emergent (PEM) wetland (Grover Quadrangle 41°34'59"N 76°48'48"W);

(8) one 24 inch natural gas pipeline, one 16 inch natural gas pipeline, one 12 inch waterline, and a timber mat bridge impacting 479 square feet of palustrine scrub-shrub (PSS) wetland (Grover Quadrangle 41°34'59"N 76°48'46"W);

(9) one 24 inch natural gas pipeline, one 16 inch natural gas pipeline, one 12 inch waterline, and a timber mat bridge impacting 450 square feet of palustrine scrub-shrub (PSS) wetland (Grover Quadrangle 41°35'00"N 76°48'44"W);

(10) one steel plate and timber mat bridge over an existing culvert impacting 20 linear feet of an unnamed tributary to Rock Run (EV,MF) (Grover Quadrangle 41°33'20"N 76°48'18"W);

(11) one 24 inch natural gas pipeline, one 16 inch natural gas pipeline, one 12 inch waterline, and a timber mat bridge impacting 132 linear feet of Rock Run (EV,MF) and an unnamed tributary to Rock Run (EV, MF) (Grover Quadrangle 41°32'39"N 76°48'28"W);

(12) one 24 inch natural gas pipeline, one 16 inch natural gas pipeline, one 12 inch waterline, and a timber mat bridge impacting 76 linear feet of an unnamed tributary to Rock Run (EV, MF) and 1,072 square feet of adjacent palustrine scrub-shrub (PSS) wetland (Grover Quadrangle 41°32'38"N 76°48'29"W);

(13) one 24 inch natural gas pipeline, one 16 inch natural gas pipeline, one 12 inch waterline, and a timber mat bridge impacting 100 linear feet of an unnamed tributary to Rock Run (EV, MF) (Grover Quadrangle 41°32'35"N 76°48'30"W);

(14) one steel plate and timber mat bridge over four existing culverts impacting 43 linear feet of Rock Run (EV, MF) and an unnamed tributary to Rock Run (EV, MF) (Grover Quadrangle 41°32'39"N 76°48'28"W);

(15) one timber mat bridge impacting 21 linear feet of an unnamed tributary to Rock Run (EV, MF) (Grover Quadrangle 41°32'32"N 76°48'47"W).

The project will result in 828 linear feet of stream impacts and 0.2 acre of wetland impacts all for the purpose of installing a natural gas gathering line and freshwater pipeline with associated access roadways for Marcellus well development. These impacts are associated with the impacts of E5729-046.

E5729-046: PVR Marcellus Gas Gathering, LLC, 100 Penn Tower Square, Suite 201 & 202, 25 West Third Street, Williamsport, PA 17701, Fox Township, **Sullivan County**, ACOE Baltimore District.

To construct, operate, and maintain:

(1) one 24 inch natural gas pipeline, one 16 inch natural gas pipeline, one 12 inch waterline, and a timber mat bridge impacting 1,391 square feet of palustrine forested (PFO) wetland (Grover Quadrangle 41°34'59"N 76°48'33"W);

(2) one steel plate and timber mat bridge over an existing culvert impacting 83 linear feet of an unnamed tributary to Schrader Creek (EV, MF) and 425 square feet of palustrine emergent (PEM) wetland (Grover Quadrangle 41°35'13"N 76°47'42"W);

(3) one steel plate and timber mat bridge over an existing culvert impacting 26 linear feet of an unnamed tributary to Schrader Creek (EV, MF) (Grover Quadrangle 41°35'08"N 76°48'08"W);

(4) one 24 inch natural gas pipeline, one 16 inch natural gas pipeline, one 12 inch waterline, and a timber mat bridge impacting 7,213 square feet of palustrine forested (PFO) wetland (Grover Quadrangle 41°34'59"N 76°48'30"W);

(5) one 24 inch natural gas pipeline, one 16 inch natural gas pipeline, one 12 inch waterline, and a timber mat bridge impacting 181 linear feet of Schrader Creek (EV, MF) and an unnamed tributary to Schrader Creek (EV,MF) (Grover Quadrangle 41°34'51"N 76°48'19"W);

(6) one 24 inch natural gas pipeline, one 16 inch natural gas pipeline, one 12 inch waterline, and a timber mat bridge impacting 53 linear feet of an unnamed tributary to Schrader Creek (EV, MF) (Grover Quadrangle 41°34'39"N 76°48'21"W);

(7) one 24 inch natural gas pipeline, one 16 inch natural gas pipeline, one 12 inch waterline, and a timber mat bridge impacting 47 linear feet of an unnamed tributary to Schrader Creek (EV, MF) (Grover Quadrangle 41°34'35"N 76°48'21"W);

(8) one 24 inch natural gas pipeline, one 16 inch natural gas pipeline, one 12 inch waterline, and a timber mat bridge impacting 86 linear feet of an unnamed tributary to Schrader Creek and 586 square feet of adjacent palustrine emergent (PEM) wetland (Grover Quadrangle 41°34'34"N 76°48'22"W);

(9) one steel plate and timber mat bridge and a 12 inch culvert impacting 21 linear feet of an unnamed tributary to Schrader Creek (Grover Quadrangle 41°34'24"N 76°48'17"W);

(10) 16 inches of fill for a permanent roadway impacting 1,494 square feet of palustrine emergent (PEM) wetland (Grover Quadrangle 41°34'20"N 76°48'11"W);

(11) one 24 inch natural gas pipeline, one 16 inch natural gas pipeline, one 12 inch waterline, and a timber mat bridge impacting 2,925 square feet of palustrine emergent (PEM) wetland (Grover Quadrangle 41°34'24"N 76°48'25"W);

(12) one 24 inch natural gas pipeline, one 16 inch natural gas pipeline, one 12 inch waterline, and a timber mat bridge impacting 290 square feet of palustrine emergent (PEM) wetland (Grover Quadrangle 41°33'43"N 76°48'11"W).

The project will result in 497 linear feet of stream impacts and 0.3 acre of wetland impacts all for the purpose of installing a natural gas gathering line and freshwater pipeline with associated access roadways for Marcellus well development. These impacts are associated with the impacts of E4129-061.

E5729-042: Appalachia Midstream Services, LLC, 100 IST Center, Horseheads, NY 14845, Cherry Township, **Sullivan County**, ACOE Baltimore District.

To construct, operate, and maintain a temporary access road using wood mats and a 16 inch diameter gathering line impacting 158 linear feet of an unnamed tributary to Little Loyalsock Creek (EV) and 5,244 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Colley, PA Quadrangle 41°31'34"N, 76°21'06"W).

The project will result in 158 linear feet of temporary stream impacts and 5,244 square feet of temporary wetland impacts for the purpose of installing a gathering line for Marcellus well development in Cherry Township, Sullivan County.

E6629-011, Amendment #1: PVR NEPA Gas Gathering, LLC, 100 Penn Tower, Suites 201 & 202, 25 West

Third Street, Williamsport, PA 17701, Eaton and Forkston Townships, **Wyoming County**, ACOE Baltimore District.

To construct, operate and maintain an additional 8-inch well pipeline associated with the Severcool Compressor and Natural Gas Pipeline. The original permit action was published in *Pennsylvania Bulletin*, Vol. 42, No. 37, on September 15, 2012. This amendment will impact previously permitted areas of impacts as follows:

1. 72.0 linear feet of a UNT to Bowman Hollow (HQ-CWF, MF) (S_057_MJS) and 1,405 square feet of Exceptional Value Palustrine Emergent (PEM) Wetlands (W_194_MRV) via open cut trenching and temporary timber matting (Meshoppen, PA Quadrangle, Latitude: N41°31'06.9", Longitude: W76°06'30.8");

2. 18 square feet of Palustrine Emergent/Open Water (PEM/POW) Wetlands (W_193_MRV) via open cut trenching and temporary timber matting (Meshoppen, PA Quadrangle, Latitude: N41°31'07.5", Longitude: W76°06'30.9");

3. 600 square feet of Exceptional Value Palustrine Emergent (PEM) Wetlands (W_192_MRV) via open cut trenching and temporary timber matting (Meshoppen, PA Quadrangle, Latitude: N41°31'08.0", Longitude: W76°06'31.0");

4. 31.0 linear feet of Bowman Hollow (HQ-CWF, MF) (S_150_MJS) via open cut trenching and temporary timber matting (Meshoppen, PA Quadrangle, Latitude: N41°31'11.9", Longitude: W76°06'29.9");

5. 862 square feet of Exceptional Value Palustrine Emergent (PEM) Wetlands (W_009_MJL) via open cut trenching and temporary timber matting (Meshoppen, PA Quadrangle, Latitude: N41°31'13.7", Longitude: W76°06'28.6");

6. 1,635 square feet of Exceptional Value Palustrine Emergent (PEM) Wetlands (W_010_MJL) via open cut trenching and temporary timber matting (Meshoppen, PA Quadrangle, Latitude: N41°31'16.6", Longitude: W76°06'28.5"); and

7. 33 square feet of Exceptional Value Palustrine Emergent (PEM) Wetlands (W_248_MRV) via open cut trenching and temporary timber matting (Meshoppen, PA Quadrangle, Latitude: N41°31'17.9", Longitude: W76°06'28.5").

This amendment will result in no increases to the previously permitted impacts associated with this project, which is all for the purpose of installing of a natural gas compressor site with a permanent access road, one 16-inch natural gas trunkline, and one 8-inch well pipeline with associated temporary construction accesses.

E5729-043: Appalachia Midstream Services, LLC, 100 IST Center, Horseheads, NY 14845, Elkland Township, **Sullivan County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) A temporary access road using timber mats and a 16 inch diameter gathering line impacting 4,927 square feet of a palustrine emergent/scrub shrub (PEM/PSS) wetland (Shunk, PA Quadrangle 41°32'27"N, 76°39'19"W);

2) A temporary access road using a timber mat bridge and a 16 inch diameter gathering line impacting 203 linear feet of an unnamed tributary to Elk Creek (EV) (Shunk, PA Quadrangle 41°32'27"N, 76°39'19"W).

The project will result in 203 linear feet of temporary stream impacts and 4,927 square feet of temporary

wetland impacts for the purpose of installing a gathering line for Marcellus well development in Elkland Township, Sullivan County.

E1729-007: Fairman Corporation, PO Box 288, DuBois, PA, 15801, Union Township, **Clearfield County**, ACOE Baltimore District.

To construct, operate and maintain a temporary timber mat working platform for the plugging and abandonment of an existing natural gas well located at Latitude: N41°06'34.0", Longitude: W78°38'48.5" (Luthersburg, PA Quadrangle).

The project will result in 842 square feet (0.02 acre) of temporary impacts to Exceptional Value (EV) Palustrine Scrub/Shrub (PSS) Wetlands for the purpose of plugging and abandonment of an existing natural gas well.

E5729-044: Appalachia Midstream Services, LLC, 100 IST Center, Horseheads, NY 14845, Cherry Township, **Sullivan County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) A temporary access road using timber mats and a 16 inch diameter gathering line impacting 1,756 square feet of an exceptional value palustrine forested (EV-PFO) wetland and 211 linear feet of an unnamed tributary to Black Creek (EV) (Dushore, PA Quadrangle 41°33'06"N, 76°28'38"W);

2) A temporary access road using timber mats and a 16 inch diameter gathering line impacting 1,139 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Dushore, PA Quadrangle 41°33'01"N, 76°28'15"W);

3) A temporary access road using a timber mat bridge and a 16 inch diameter gathering line impacting 198 linear feet of an unnamed tributary to Black Creek (EV) (Dushore, PA Quadrangle 41°32'54"N, 76°28'10"W);

4) A temporary access road using a timber mat bridge and a 16 inch diameter gathering line impacting 122 linear feet of an unnamed tributary to Mill Creek (EV) (Dushore, PA Quadrangle 41°32'15"N, 76°28'07"W);

5) A temporary access road using a timber mat bridge and a 16 inch diameter gathering line impacting 213 linear feet of Mill Creek (EV) (Dushore, PA Quadrangle 41°31'58"N, 76°27'91"W).

The project will result in 744 linear feet of temporary stream impacts, 1,139 square feet (0.03 acre) of temporary wetland impacts and 1,756 square feet (0.04 acre) of permanent wetland impacts, all for the purpose of installing a gathering line for Marcellus well development in Cherry Township, Sullivan County. The permittee will provide 0.27 acre of compensatory mitigation at impacts throughout the project and at the Wilmot Site (Colley, PA Quadrangle 41°36'44"N 76°17'27"W) in Wilmot Township, Bradford County.

E5729-049: Appalachia Midstream Services, LLC, 100 IST Center, Horseheads, NY 14845, Cherry Township, **Sullivan County**, ACOE Baltimore District. To construct, operate, and maintain:

1) A temporary access road using timber mats and a 16 inch diameter gathering line impacting 192 linear feet of an unnamed tributary to Little Loyalsock Creek (EV) (Colley, PA Quadrangle 41°31'16"N, 76°22'17"W);

2) A temporary access road using timber mats and a 16 inch diameter gathering line impacting 2,463 square feet of an exceptional value palustrine scrub shrub (EV-PSS) wetland (Colley, PA Quadrangle 41°31'15"N, 76°22'19"W);

3) A temporary access road using a timber mat bridge and a 16 inch diameter gathering line impacting 202 linear feet of an unnamed tributary to Payne Run (EV) (Dushore, PA Quadrangle 41°30'21"N, 76°22'37"W);

4) A temporary access road using a timber mat bridge and a 16 inch diameter gathering line impacting 197 linear feet of an unnamed tributary to Payne Run (EV) (Dushore, PA Quadrangle 41°30'21"N, 76°22'38"W);

5) A temporary access road using a timber mat bridge and a 16 inch diameter gathering line impacting 117 linear feet of an unnamed tributary to Payne Run (EV) (Dushore, PA Quadrangle 41°30'21"N, 76°22'39"W);

6) A temporary access road using timber mats and a 16 inch diameter gathering line impacting 4,082 square feet of a palustrine emergent (PEM) wetland (Dushore, PA Quadrangle 41°30'12"N, 76°24'19"W);

7) A temporary access road using timber mats and a 16 inch diameter gathering line impacting 782 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Dushore, PA Quadrangle 41°30'17"N, 76°24'31"W);

8) A temporary access road using timber mats and a 16 inch diameter gathering line impacting 191 linear feet of an unnamed tributary to Payne Run (EV) and 806 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Dushore, PA Quadrangle 41°30'17"N, 76°24'33"W);

9) a 16 inch diameter gathering line impacting 9 linear feet of an unnamed tributary to Payne Run (EV) (Dushore, PA Quadrangle 41°30'18"N, 76°24'36"W);

10) A temporary access road using timber mats and a 16 inch diameter gathering line impacting 5,939 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Dushore, PA Quadrangle 41°30'59"N, 76°24'47"W);

11) A temporary access road using a timber mat bridge and a 16 inch diameter gathering line impacting 193 linear feet of Little Loyalsock Creek (EV) (Dushore, PA Quadrangle 41°31'00"N, 76°24'50"W).

The project will result in 1,101 linear feet of temporary stream impacts, 14,072 square feet (0.32 acre) of temporary wetland impacts all for the purpose of installing a gathering line for Marcellus well development in Cherry Township, Sullivan County. The permittee will provide 0.56 acre of compensatory mitigation at the Wilmot Site (Colley, PA Quadrangle 41°36'44"N 76°17'27"W) in Wilmot Township, Bradford County.

DAM SAFETY

Central Office: Bureau of Waterways Engineering and Wetlands, Rachel Carson State Office Building, Floor 3, 400 Market Street, P. O. Box 8460, Harrisburg, PA 17105-8460

D63-140. Ohio Valley Lutheran Bible Camp Association. P. O. Box 115, Hickory, PA 15340. To modify Camp Agape Dam across a tributary to South Fork Cross Creek (HQ-WWF) for the purpose of recreation. The top of dam elevation will be lowered so that the maximum depth of water is less than 15 feet. Upon completion of the modifications, the dam will be non-jurisdictional. (Midway, PA Quadrangle; Latitude: 40.275N, Longitude: 80.341W) in Mount Pleasant Township, **Washington County**.

D30-078. Cumberland Coal Resources, LP. P. O. Box 1020, 158 Portal Road, Waynesburg, PA 15370. To modify Cumberland No. 1 Sedimentation Pond across a tributary to Whiteley Creek (TSF) for the purpose of sedimentation control. The existing sediment pond will be modified to accommodate additional storm runoff from Cumberland No. 1 CRDA. (Oak Forest, PA Quadrangle; Latitude: 39.799N, Longitude: 80.151W) in Whiteley Township, **Greene County**.

ACTIONS

THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS

The Department has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and NOIs for coverage under General Permits. This notice of final action is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P. S. §§ 691.1—691.101) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

| <i>Location</i> | <i>Permit Authority</i> | <i>Application Type or Category</i> |
|-----------------|-------------------------|--|
| Section I | NPDES | Renewals |
| Section II | NPDES | New or Amendment |
| Section III | WQM | Industrial, Sewage or Animal Wastes; Discharges to Groundwater |
| Section IV | NPDES | MS4 Individual Permit |
| Section V | NPDES | MS4 Permit Waiver |
| Section VI | NPDES | Individual Permit Stormwater Construction |
| Section VII | NPDES | NOI for Coverage under NPDES General Permits |

Sections I—VI contain actions regarding industrial, animal or sewage wastes discharges, discharges to groundwater, and discharges associated with MS4, stormwater associated with construction activities and CAFOs. Section VII contains notices for parties who have submitted NOIs for Coverage under General NPDES Permits. The approval for coverage under these General NPDES Permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions in each General Permit. The approval of coverage for land application of sewage sludge or residential septage under applicable general permit is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions in the respective permit. The permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should contact a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

I. NPDES Renewal Permit Actions

Northeast Regional Office: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570.826.2511.

| <i>NPDES No. (Type)</i> | <i>Facility Name & Address</i> | <i>County & Municipality</i> | <i>Stream Name (Watershed No.)</i> | <i>EPA Waived Y/N?</i> |
|------------------------------------|---|---|---|----------------------------|
| PA0062880 (Sewage) | KidsPeace Orchard Hills Campus 5300 KidsPeace Drive Orefield, PA 18069 | Lehigh County North Whitehall Township | Jordan Creek (2-C) | Y |
| PA0061115 (Sewage) | Paradise Stream Resort WWTP Route 940 Mount Pocono, PA 18344 | Monroe County Paradise Township | Paradise Creek (01E) | Y |
| PA0063894 (Industrial Waste) | Minersville Borough Municipal Authority WTP Water Dam Road Minersville, PA 17954 | Schuylkill County Cass Township | Dryer Run Reservoir (3-A) Cold Water Fishes | N |
| PA0062821 (Industrial Waste) | Schuylkill County Municipal Authority Indian Run WTP Route 901 Pottsville, PA 17901 | Schuylkill County Branch Township | West Branch Schuylkill River Cold Water Fishes (3-A) | N |
| PA0065013 (Industrial Waste) | Blythe Township Municipal Authority Silver Creek WTP Silver Creek Road To New Philadelphia, PA 17959 | Schuylkill County Blythe Township | Silver Creek Cold water Fishes (3-A) | Y |

Northcentral Region: Clean Water Program Manager, 208 West Third Street, Williamsport, PA 17701

| <i>NPDES No. (Type)</i> | <i>Facility Name & Address</i> | <i>County & Municipality</i> | <i>Stream Name (Watershed No.)</i> | <i>EPA Waived Y/N?</i> |
|-----------------------------|---|---|--|----------------------------|
| PA0115100 (Sewage) | George Dear MHP 32 Deer Lane Tioga, PA 16946 | Tioga County Lawrence Township | Mutton Lane Creek (4-A) | Y |
| PA0112607 (Sewage) | Pepper Hills Mobile Home Park RR 4 Danville, PA 17821-9804 | Montour County Cooper Township | Sechler Run (5-E) | Y |
| PA0113107 (Sewage) | Briar Creek Recreation Area STP Lake Road Berwick, PA 18603 | Columbia County Briar Creek Township | East Branch Briar Creek (5-D) | Y |

Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

| <i>NPDES No. (Type)</i> | <i>Facility Name & Address</i> | <i>County & Municipality</i> | <i>Stream Name (Watershed #)</i> | <i>EPA Waived Y/N</i> |
|-----------------------------|--|---|--------------------------------------|---------------------------|
| PA0253057 Sewage | Testa SR STP 239 Roaring Run Road Champion, PA 15622 | Westmoreland County Donegal Township | Roaring Run | Y |

II. New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Actions

Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401

NPDES Permit No. PA0051993, Sewage, **Giambrone Enterprises, L.P.**, 1030 N West End Boulevard, Quakertown, PA 18951.

This proposed facility is located in Richland Township, **Bucks County**.

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge 8,000 gpd of treated sewage from a facility known as Giambrone Enterprises, L.P. WWTP to Unnamed Tributary to Tohickon Creek in Watershed 2-D.

NPDES Permit No. PA0051292, IW, **Municipal Authority of the Borough of Morrisville**, 35 Union Street, Morrisville, PA 19067.

This proposed facility is located in Lower Makefield Township, **Bucks County**.

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge 0.15 MGD of filter backwash water and settling lagoon supernatant from the water filtration plant from a facility known as Morrisville Water Treatment Plant to Delaware River in Watershed 2-E.

NPDES Permit No. PA0053392, Stormwater, **UPS, Inc.**, 1 Hog Island Road, Philadelphia, PA 19153-3996.

This proposed facility is located in Tinicum Township, **Delaware County**.

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge Stormwater from a facility known as UPS Air Terminal and Distribution Center to Delaware River in Watershed 3-F.

NPDES Permit No. PA0027421 A-1, Sewage, **Norristown Municipal Waste Authority**, 235 East Airy Street, 2nd Floor, Norristown, PA 19401.

This proposed facility is located in Norristown Borough, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the amendment of an NPDES permit to discharge treated sewage from a facility known as Norristown Municipality STP to Schuylkill River in Watershed 3-F.

NPDES Permit No. PA0029343, Sewage, **Chatham Acres Nursing Center**, 315 East London Grove Road, West Grove, PA 19390.

This proposed facility is located in London Grove Township, **Chester County**.

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge treated sewage from a facility known as Chatham Acres Nursing Center to Unnamed Tributary to East Branch White Clay Creek in Watershed 3-I.

NPDES Permit No. PA0043966, Sewage, **Valley Forge Group Limited Partnership, Newbury Management Company d.b.a. Valley Forge Crossing**, 31200 Northwestern Highway, Farmington Hills, MI 48334.

This proposed facility is located in Lower Providence Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge 0.045 mgd of treated sewage from a facility known as Valley Forge Crossing MHP WWTP to Unnamed Tributary to Schuylkill River in Watershed 3-F.

NPDES Permit No. PA0053716, Sewage, **Jeffery Allen & Lori Ann Scott**, 800 North Tower Road, Quakertown, PA 18951.

This proposed facility is located in West Rockhill Township, **Bucks County**.

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge 500 gpd of treated sewage from a facility known as Scott SRSTP to Unnamed Tributary of Butter Creek in Watershed 3-E.

NPDES Permit No. PA0026531, Sewage, **Downingtown Area Region Authority**, 6 West Lancaster Avenue, Downingtown, PA 19335.

This proposed facility is located in East Caln Township, **Chester County**.

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge treated sewage from a facility known as Downingtown Area Region Authority STP to East Branch Brandywine Creek in Watershed 3-H.

NPDES Permit No. PA0244031, Sewage, **Chadds Ford Township Sewer Authority Delaware County**, P. O. Box 816, 10 Ring Road, Chadds Ford, PA 19317-0628.

This proposed facility is located in Chadds Ford Township, **Delaware County**.

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge 0.14 mgd of treated sewage from a facility known as Turners Mill STP to Harvey Run in Watershed 3H.

Northcentral Regional Office: Regional Clean Water Program Manager, 208 W Third Street Suite 101, Williamsport, PA 17701-6448. Phone: 570.327.3664.

NPDES Permit No. PA0007498, Industrial Waste, SIC Code 2096, **Wise Foods Inc.**, 228 Rasely Street, Berwick, PA 18603-4533.

This existing facility is located in Berwick Borough, **Columbia County**.

Description of Existing Action/Activity: Issuance of an NPDES Permit for an existing discharge of treated industrial wastewater.

NPDES Permit No. PA0037966 A-1, Sewage, SIC Code 4952, **Moshannon Valley Joint Sewer Authority**, 829 North 9th Street, Philipsburg, PA 16866.

This existing facility is located in Rush Township, **Centre County**.

Description of Existing Action/Activity: Issuance of an amended NPDES Permit for an existing discharge of treated Sewage.

PA0028631, Sewage, SIC Code 4952, **Mid Cameron Municipal Authority**, 421 N Broad Street, Emporium, PA 15834-1401. Facility Name: Mid Cameron Authority Sewer System STP.

This existing facility is located in Emporium Borough, **Cameron County**.

Description of Activity: The action is for the renewal of an NPDES permit for an existing discharge of treated Sewage.

III. WQM Industrial Waste and Sewerage Actions under The Clean Streams Law

Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.

WQM Permit No. 2812403, Sewerage, **Ron Sailhamer**, 494 East King Street, Shippensburg, PA 17257.

This proposed facility is located in Southampton Township, **Franklin County**.

Description of Proposed Action/Activity: Permit approval for the construction / operation of sewage facilities consisting of 1,250 gallon dual chamber septic tank with solids retainer, 500 gallon dosing tank, 750 ft² buried sand filter, tablet chlorinator, 250 gallon chlorine contact tank and 4" outfall line to east side of Burnt Mill Road.

WQM Permit No. 2812404, Sewerage, **Ron Sailhamer**, 494 East King Street, Shippensburg, PA 17257.

This proposed facility is located in Southampton Township, **Franklin County**.

Description of Proposed Action/Activity: Permit approval for the construction / operation of sewage facilities consisting of 1,250 gallon dual chamber septic tank with solids retainer, 500 gallon dosing tank, 750 ft² buried sand filter, tablet chlorinator, 250 gallon chlorine contact tank and 4" outfall line to east side of Burnt Mill Road.

WQM Permit No. 3812201, CAFO, **Meadow Wood Farms**, 2075 Colebrook Road, Lebanon, PA 17042.

This proposed facility is located in North Cornwall Township, **Lebanon County**.

Description of Proposed Action/Activity: Permit approval granted for the construction of 2 additional HDPE lined manure storage cells to accommodate the waste flow from a new dairy free stall barn.

Northcentral Regional Office: Regional Clean Water Program Manager, 208 W Third Street Suite 101, Williamsport, PA 17701-6448.

WQM Permit No. 02171203, SIC Code 4952, **Woodland-Bigler Area Authority**, P. O. Box 27, Woodland, PA 16881-0027.

This proposed facility will be located in Bradford Township, **Clearfield County**.

Description of Proposed Action/Activity: Permit issued approving the construction of a sewer extension.

WQM Permit No. 4912201, Industrial Waste, SIC Code 0252, **Donald G. Cotner**, 127 Rushtown Road, Danville, PA 17821.

This proposed facility is located in Rush Township, **Northumberland County**.

Description of Proposed Action/Activity: Construction of an egg-washing treatment system comprised of a waste transfer system, a 1,500 gallon, two compartment settling tank, an effluent filter, a 3,000 gallon SBR tank, a 3,000 gallon holding tank, and a land application system consisting of a Vegetative Treatment Area of at least 1.9 acres. The SBR is a PekaSys Clearrex Bubbler, model CBR1 system that is designed to handle 700 gpd.

WQM Permit No. 4112406, Sewage, SIC Code 4952, **West Branch Regional Authority**, 35 S Main Street, Montgomery, PA 17752-1120.

This proposed facility is located in Clinton Township, **Lycoming County**.

Description of Proposed Action/Activity: Construction of a new regional wastewater treatment plant and a realignment/upgrade to the existing conveyance system.

WQM Permit No. 1712403, SIC Code 4952, **Decatur Township Clearfield County**, 575 Fairview Road, Osceola Mills, PA 16666.

This proposed facility is located in Decatur Township, **Clearfield County**.

Description of Proposed Action/Activity: Renovate Graham Station prison pump station and replace existing force main with a larger force main

Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

WQM Permit No. 0270466, Sewerage, **Robinson Township Municipal Authority**, PO Box 15539, Pittsburgh, PA 15244

This existing facility is located in Robinson Township, **Allegheny County**

Description of Proposed Action/Activity: Permit amendment issuance.

WQM Permit No. 1110412-A1, Sewerage, **West Branch Sewer Authority**, 901 Maple Avenue, Northern Cambria, PA 15714

This existing facility is located in Barr Township, **Cambria County**

Description of Proposed Action/Activity: Permit amendment issuance.

IV. NPDES Stormwater Discharges from MS4 Permit Actions**V. NPDES Waiver Stormwater Discharges from MS4 Actions****VI. NPDES Discharges of Stormwater Associated with Construction Activities Individual Permit Actions**

Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401

| <i>NPDES Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water / Use</i> |
|-------------------------|--|---------------|--------------------------|--|
| PAI011506004-R | Longview Swinehart, LP 1055 Westlakes Dr, Ste 170 Berwyn, PA 19312 | Chester | West Brandywine Township | Beaver Creek (CWF); Culbertson Run (HQ-TSF-MF) |

Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.

| <i>NPDES Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water / Use</i> |
|-------------------------|---|---------------|--|---|
| PAI024806007R | Altman Management Company, Inc. 240 New York Drive, Suite 1 Fort Washington, PA 19034 | Northampton | Plainfield Township | Little Bushkill Creek, HQ-CWF, MF |
| PAI024805024R | Nic Zawarski & Sons Builders, Inc. 1441 Linden St. Bethlehem, PA 18018 | Northampton | City of Bethlehem | Monocacy Creek, HQ-CWF, MF |
| PAI024010004(2) | PPL Electric Utilities Corp. Two North Ninth St. Plaza 3 Allentown, PA 18101 | Pike | Palmyra Twp., Blooming Grove Twp., Greene Twp., Porter Twp., Lehman Twp. | Shohola Creek, HQ-CWF, MF; Bushkill Creek HQ-CWF, MF Main Stem of Bushkill Creek, HQ-TSF, MF; Saw Creek, HQ-CWF, MF; Decker Creek, HQ-CWF, MF; Wallenpaupack Creek, HQ-CWF, MF; Blooming Grove Creek, HQ-CWF, MF; UNT to Lackawaxen River, HQ-CWF, MF; |

Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701

Clearfield County Conservation District: 650 Leonard Street, Clearfield, PA 16830, (814) 765-2629

| <i>NPDES Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water / Use</i> |
|-------------------------|---|---------------|---------------------|--|
| PAI041711003 | Eagle Environmental II LP 354 Alexander Spring Rd Ste 3 Carlisle PA 17015 | Clearfield | Chest Township | Pine Run EV, MF Chest Creek CWF, MF |

Southwest Region: Waterways and Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

| <i>NPDES Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water / Use</i> |
|-------------------------|--|---------------|----------------------|--|
| PAI050412001 | Castlebrook Development Co, LLC. 2593 Wexford-Bayne Road Sewickley, PA 15143 | Beaver | Chippewa Township | UNT to North Fork Little Beaver Creek (HQ-CWF) |
| PAI055611007 | Kantner Iron & Steel 365 Bassett Road Hooversville, PA 15936 | Somerset | Quemahoning Township | Beaverdam Creek (HQ-CWF) Stonycreek River (TSF) |

VII. Approvals to Use NPDES and/or Other General Permits

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

List of NPDES and/or Other General Permit Types

| | |
|-------------|---|
| PAG-1 | General Permit for Discharges From Stripper Oil Well Facilities |
| PAG-2 | General Permit for Discharges of Stormwater Associated With Construction Activities |
| PAG-3 | General Permit for Discharges of Stormwater From Industrial Activities |
| PAG-4 | General Permit for Discharges From Small Flow Treatment Facilities |
| PAG-5 | General Permit for Discharges From Gasoline Contaminated Ground Water Remediation Systems |
| PAG-6 | General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO) |
| PAG-7 | General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application |
| PAG-8 | General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site |
| PAG-8 (SSN) | Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage |
| PAG-9 | General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site |
| PAG-9 (SSN) | Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage |
| PAG-10 | General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines |
| PAG-11 | (To Be Announced) |
| PAG-12 | Concentrated Animal Feeding Operations (CAFOs) |
| PAG-13 | Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4) |
| PAG-14 | (To Be Announced) |
| PAG-15 | General Permit for Discharges From the Application of Pesticides |

*General Permit Type—PAG-02**Facility Location:*

| <i>Municipality & County</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Receiving Water / Use</i> | <i>Contact Office & Phone No.</i> |
|---|----------------------|---|--|---|
| Clarion Township Clarion County | PAG-02 101612009 | BAMR P. O. Box 8461 Harrisburg, PA 17105-8461 | Brush Run (CWF) to Piney Creek (CWF) to Clarion River (WWF) | BAMR P. O. Box 8461 Harrisburg, PA 17105-8461 717-783-7924 |
| Nockamixon Township Bucks County | PAG0200 0912079 | Pennsylvania Department of Transportation 7000 Geerdes Boulevard King of Prussia, PA 19406 | Gallows Run (CWF-MF) | Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900 |
| Marple Township Delaware County | PAG0200 23120022 | Beneficial Savings Bank 530 Walnut Street Philadelphia, PA 19106-3696 | Darby Creek (WWF) | Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900 |
| Ridley Township Delaware County | PAG0200 2308052-1 | Rhino Ridley 650 Parkway Drive Broomall, PA 19008 | Little Crum Creek (WWF) | Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900 |
| Upper Dublin Township Montgomery County | PAG0200 4612081 | Timothy Clauss 311 Zane Avenue Jenkintown, PA 19046 | Tributary Wissahickon Creek (WWF) | Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900 |

*Facility Location:
Municipality &
County*

Permit No.

*Applicant Name &
Address*

*Receiving
Water / Use*

*Contact Office &
Phone No.*

| | | | | |
|---|----------------------|--|---|---|
| Skippack Township Montgomery County | PAG0200 462132-R1 | Mike Downs 4 Hillman Drive, Suite 120 Chadds Ford, PA 19317 | Perkiomen Creek (TSF) | Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900 |
| City of Philadelphia Philadelphia County | PAG0201 511205-1 | Zoological Society of Philadelphia 3400 West Girard Avenue Philadelphia, PA 19104-1196 | Schuylkill River (WWF-MF) | Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900 |
| Lower Saucon Twp., Northampton County | PAG02004812014 | Lower Saucon Township 3700 Old Philadelphia Pike Bethlehem, PA 18015 | Lehigh River, WWF, MF | Northampton Co. Cons. Dist. 610-746-1971 |
| Ransom Twp., Lackawanna County | PAG02003512020 | T&D Power Inc. Peter Demars 927 North State St. Clarks Summit, PA 18411 | Unnamed Tributary to Susquehanna River, CWF, MF | Lackawanna Co. Cons. Dist. 570-281-9495 |
| Whitehall Twp., Lehigh County | PAG02003912011 | Lehigh Valley Health Network Brian Hardner F&C Dept., 3rd Flr. 2100 Mack Blvd. Allentown, PA 18103 | Coplay Creek, CWF, MF | Lehigh County Cons. Dist. 610-391-9583 |

Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717.705.4802

*Facility Location:
Municipality &
County*

Permit No.

*Applicant Name &
Address*

*Receiving
Water / Use*

*Contact Office &
Phone No.*

| | | | | |
|--|-------------------|--|--------------------------------|---|
| Littlestown Borough Adams County | PAG02000110016R | Dale Werner Alpha Fire Company No. 1 40 East King Street Littlestown, PA 17340 | Marsh—Rock Creeks/WWF | Adams Co. Conservation District 670 Old Harrisburg Rd, Suite 201 Gettysburg, PA 17325 717.334.0636 |
| Amity Township Berks County | PAG02000608002(1) | David Hope American Crane & Equipment Co. 531 Old Swede Road Douglassville, PA 19518 | Leaf Creek/WWF | Berks County Conservation Dist. 1238 County Welfare Rd, Ste 200 Leesport, PA 19533-9710 610.372.4657, Ext. 142 |
| Earl Township Lancaster County | PAG02003607076R | Lee Day Soco Enterprises Co. 1330 Charlestown Road Phoenixville, PA 19460 | Mill Creek/CWF | Lancaster Co Conservation Dist. 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717.299.5361, Ext. 5 |
| Millersville Borough Lancaster County | PAG02003610076R | Student Lodging, Inc. 21 South George Street Millersville, PA 17551 | UNT Conestoga River/WWF, MF | Lancaster Co Conservation Dist. 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717.299.5361, Ext. 5 |

| <i>Facility Location: Municipality & County</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Receiving Water/Use</i> | <i>Contact Office & Phone No.</i> |
|---|-------------------|---|--|---|
| East Hempfield Township Lancaster County | PAG02003611094(1) | 5100 Main Realty, LP 5260 Main Street, PO Box 404 East Petersburg, PA 17520 | Little Conestoga Creek/WWF | Lancaster Co Conservation Dist. 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717.299.5361, Ext. 5 |
| East Lampeter Township Lancaster County | PAG02003612044 | Sheetz, Inc. 351 Sheetz Way Claysburg, PA 16625 | Mill Creek/WWF | Lancaster Co Conservation Dist. 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717.299.5361, Ext. 5 |
| West Hempfield Township Lancaster County | PAG02003612074 | M & G Reality, Inc. 2100 North George Street York, PA 17404 | West Branch Little Conestoga Creek/TSF | Lancaster Co Conservation Dist. 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717.299.5361, Ext. 5 |
| Conoy Township Lancaster County | PAG02003612076 | LCSWMA 1299 Harrisburg Pike, Box 4425 Lancaster, PA 17604 | Susquehanna River/WWF | Lancaster Co Conservation Dist. 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717.299.5361, Ext. 5 |
| Manheim Township Lancaster County | PAG02003612077 | The Stonehouse Group 616 Paxton Place, Suite 100 Lititz, PA 17543 | Little Conestoga Creek/TSF | Lancaster Co Conservation Dist. 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717.299.5361, Ext. 5 |
| Elizabeth Township Lancaster County | PAG02003612078 | Amos Stoltzfus 333 Monterey Road Bird In Hand, PA 17505 | UNT Hammer Creek/TSF, MF | Lancaster Co Conservation Dist. 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717.299.5361, Ext. 5 |
| Mount Joy Township Lancaster County | PAG02003612083 | Giuseppe Ferrarelli 624 Rockwood Drive Elizabethtown, PA 17022 | Conewago Creek/TSF | Lancaster Co Conservation Dist. 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717.299.5361, Ext. 5 |
| Leacock Township Lancaster County | PAG02003612087 | Andrew L. Beiler 338 Beechdale Road Bird In Hand, PA 17505 | Muddy Run/WWF, MF | Lancaster Co Conservation Dist. 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717.299.5361, Ext. 5 |
| Ephrata Township Lancaster County | PAG02003612091 | Akron Road, LLC 471 North Reading Road Ephrata, PA 17522 | UNT Cocalico Creek/WWF | Lancaster Co Conservation Dist. 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717.299.5361, Ext. 5 |

NOTICES

7735

Northcentral Region: Waterways & Wetlands Program Manager, 208 W Third Street, Williamsport, Pa 17701 570.327.3636

| <i>Facility Location: Municipality & County</i> | <i>Permit No. Applicant Name & Address</i> | <i>Receiving Water / Use</i> | <i>Contact Office & Phone No.</i> |
|---|---|----------------------------------|--|
| Scott Township Columbia County | PAG02001907013R Gregory Sarangoulis Lion's Gate Town Houses LP 328 Buttonwood St Reading PA 19601 | Neal's Run CWF | Columbia County Conservation District 702 Sawmill Rd Ste 204 Bloomsburg PA 17815 (570) 784-1310 |

Southwest Region: Regional Waterways & Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

| <i>Facility Location: Municipality & County</i> | <i>Permit No.</i> | <i>Applicant Name and Address</i> | <i>Receiving Water / Use</i> | <i>Contact Office and Phone No.</i> |
|---|-------------------|--|---|--|
| East Taylor Township Cambria County | PAG02001112015 | Conemaugh Valley School District 1451 Frankstown Road Johnstown, PA 15902 | UNT to Little Conemaugh River (CWF) | Cambria County CD 401 Candlelight Drive, Suite 221 Ebensburg, PA 15931 (814) 472-2120 |
| Springhill Township Fayette County | PAG02002612011 | SBA Communications, Inc. 5900 Broken Sound Pkwy. Boca Raton, FL 33487 | UNT to Grassy Run (WWF) | Fayette County CD 10 Nickman Plaza Lemont Furnace, PA 15456 (724) 438-4497 |
| Indiana Borough Indiana County | PAG02003212012 | Indiana University of Pennsylvania 1011 South Drive Indiana, PA 15705 | Marsh Run (CWF) Whites Run (CWF) | Indiana County CD 625 Kolter Drive Suite 8 Indiana, PA 15701 (724) 471-4751 |
| Brothersvalley Township Somerset County | PAG02005612009 | Dovan Farms 582 Rocky Lane Berlin, PA 15530 | Buffalo Creek (CWF) | Somerset County CD 6024 Glades Pike Suite 103 Somerset, PA 15601 (724) 837-5271 |
| Larimer Township Somerset County | PAG02005612011 | CSX Transportation, Inc. 500 Water Street, J-275 Jacksonville, PA 32202 | Flaugherty Creek (CWF) | Somerset County CD 6024 Glades Pike Suite 103 Somerset, PA 15601 (724) 837-5271 |
| Cranberry Township Butler County | PAG02001012050 | Mountain Top Excavation LLC 260 Hunt Valley Road New Kensington PA 15068 | UNT Brush Creek WWF | Butler County Conservation District 724-284-5270 |
| Harborcreek Township Erie County | PAG02002512020 | Erie DPP, LLC 9010 Overlook Blvd. Brentwood TN 37067 | Lake Erie | Erie County Conservation District 814-825-6403 |
| Borough of Grove City Mercer County | PAG02004312013 | Grove City Town Homes LP 4949 Galaxy Parkway, Ste. S Warrensville OH 44128 | UNT Wolf Creek CWF | Mercer County Conservation District 724-662-2242 |

Northwest Regional Office—Waterways and Wetlands, 230 Chestnut Street, Meadville PA 16335

*Facility Location:
Municipality &
County*

Permit No.

*Applicant Name &
Address*

*Receiving
Water / Use*

*Contact Office &
Phone No.*

Plymouth Township
Luzerne County

PAG02-1140-12-006

PA DEP
Bureau of Abandoned Mine
Reclamation
2 Public Square
Fifth Floor
Wilkes-Barre, PA 18701-0790

Susquehanna River
(CWF)

PA DEP
Bureau of
Abandoned Mine
Reclamation
2 Public Square
Fifth Floor
Wilkes-Barre, PA
18701-0790
(570) 826-2371

General Permit Type—PAG-03

*Facility Location:
Municipality &
County*

Permit No.

*Applicant's Name &
Address*

*Receiving
Water / Use*

*Contact Office &
Telephone No.*

Upper Dublin
Township
Montgomery County

PAR900001

Waste System Authority of
Eastern Montgomery County
P. O. Box 311
Norristown, PA 19404

Sandy Run—3F

Southeast Region
Clean Water
Program
484.250.5970

Wright Township,
Luzerne County

PAR232243

Sealy, Inc.
25 Elmwood Road
Mountaintop, PA 18707

Watering Run,
CWF, MF

PA DEP
Northeast Regional
Office
2 Public Square
Wilkes-Barre, PA
18701-1915
570-826-2511

West Hazleton
Borough,
Luzerne County

PAR232211

The Dial Corporation
a Henkel Company
125 Jaycee Drive
West Hazleton, PA 18202

Black Creek Basin,
CWF

PA DEP
Northeast Regional
Office
2 Public Square
Wilkes-Barre, PA
18701-1915
570-826-2511

Silver Spring
Township
Cumberland County

PAR113556

Valk Manufacturing Co.
66 East Main Street
PO Box 428
New Kingston, PA 17072-0428

Hogestown Run /
CWF

DEP-SCRO
909 Elmerton
Avenue
Harrisburg, PA
17110-8200
717-705-4707

Lower Allen
Township
Cumberland County

PAR123556

Dairy Farmers of America, Inc.
4825 Old Gettysburg Road
Mechanicsburg, PA 17055

Cedar Run / CWF

DEP-SCRO
909 Elmerton
Avenue
Harrisburg, PA
17110-8200
717-705-4707

Lebanon City
Lebanon County

PAR203620

PA Precision Cast Parts Inc.
521 North 3rd Avenue
Lebanon, PA 17046

Quittapahilla Creek
/ TSF

DEP-SCRO
909 Elmerton
Avenue
Harrisburg, PA
17110-8200
717-705-4707

Williamsport City
Lycoming County

PAR314840

FTS International Services LLC
3300 Wahoo Drive
Williamsport, PA 17701-9204

Unnamed Tributary
to Daughtery
Run—10-A

DEP Northcentral
Regional Office
Clean Water
Program
208 W Third Street
Suite 101,
Williamsport, PA
17701-6448
570.327.3664

| <i>Facility Location: Municipality & County</i> | <i>Permit No.</i> | <i>Applicant's Name & Address</i> | <i>Receiving Water / Use</i> | <i>Contact Office & Telephone No.</i> |
|---|-------------------|--|--|---|
| Wysox Township Bradford County | PAR804866 | Welles Mill Co. Inc. 340 Golden Mile Road Towanda, PA 18848 | Unnamed Tributary to Susquehanna River—4-D | DEP Northcentral Regional Office Clean Water Program 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.3664 |
| Sheshequin Township Bradford County | PAR314839 | Washita Valley Enterprises RR6 P O Box 270 Towanda, PA 18848 | Snyder Creek—4-B | DEP Northcentral Regional Office Clean Water Program 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.3664 |
| Mansfield Borough Tioga County | PAR314836 | Bronco Oilfield Services 88 East Buffalo Church Road Washington, PA 15301 | Unnamed Tributary to North Elk Run—4-A | DEP Northcentral Regional Office Clean Water Program 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.3664 |
| Braddock Borough Allegheny County | PAR606124 | Josh Steel Company, Inc. 46 Sixth Street Braddock, PA 15104-1948 | Monongahela River | Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 412-442-4000 |
| Unity Township Westmoreland County | PAR806143 | Westmoreland County Airport Authority 148 Aviation Lane Suite 103 Arnold Palmer Regional Airport Latrobe, PA 15650-4611 | Monastery Run | Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 412-442-4000 |
| Bethel Park Borough Allegheny County | PAR806172 | PA American Water 300 Galley Road McMurray, PA 15317 | Lick Run | Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 412-442-4000 |
| Paint Township Somerset County | PAR606113 | Ronald Honkus 2030 Seanor Road Windber, PA 15963 | Kaufman Run | Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 412-442-4000 |

*General Permit Type—PAG-4**Facility Location:**Municipality & County**Permit No.**Applicant Name & Address**Receiving Water / Use**Contact Office & Phone No.*

Plainfield Township
Northampton
County

PAG042227

HA Berkheimer Inc./Creditech
Inc.
1883 Jory Road
Pen Argyl, PA 18072

Waltz Creek Cold
Water Fishes
Watershed 1F

DEP Northeast
Regional Office
Clean Water
Program
2 Public Square,
Wilkes-Barre, PA
18701-1915
570.826.2511

*General Permit Type—PAG-5**Facility Location:**Municipality & County**Permit No.**Applicant Name & Address**Receiving Water / Use**Contact Office & Phone No.*

Lower Merion
Township
Montgomery County

PAG050080

Righters Ferry Associates, L.P.
2701 Renaissance Boulevard,
4th Floor
King of Prussia, PA 19406

Schuylkill River 3-F

Southeast Region
Clean Water
Program
2 E. Main Street
Norristown, PA
19401
484-250-5970

Canonsburg Borough
Washington County

PAG056192

Coen Oil Company
PO Box 34
1045 West Chestnut Street
Washington, PA 15301

Chartiers Creek

Southwest Regional
Office:
Water Management
Program Manager
400 Waterfront
Drive
Pittsburgh PA
15222-4745
(412) 442-4000

Mount Pleasant
Township
Washington County

PAG056217

Coen Oil Company
PO Box 34
1045 West Chestnut Street
Washington, PA 15301

Chartiers Run

Southwest Regional
Office:
Water Management
Program Manager
400 Waterfront
Drive
Pittsburgh PA
15222-4745
(412) 442-4000

*General Permit Type—PAG-8**Facility Location:**Municipality & County**Permit No.**Applicant's Name & Address**Contact Office & Telephone No.*

Telford Borough Authority
Telford Borough
Montgomery & Bucks County

PAG080006

Telford Borough Authority
122 Penn Avenue
Telford, PA 18969

Southeast Region
Clean Water Program
484.250.5970

Upper Gwynedd-Towamencin
Municipal Authority
Towamencin Township
Montgomery County

PAG080008

Upper Gwynedd-Towamencin
Municipal Authority
2225 Kriebel Road
Lansdale, PA 19446

Southeast Region
Clean Water Program
484.250.5970

*General Permit Type—PAG-8 (SSN)**Facility Location:**Municipality & County**Permit No.**Applicant Name & Address**Site Name & Location**Contact Office & Phone No.*

Clay Township
Lancaster County

PAG083565

PAG083566

Ephrata Borough Authority
124 South State Street
Ephrata, PA 17522

Earl Ray
Zimmerman Farm
730 Flintstone Road
Ephrata, PA 17522

DEP-SCRO
909 Elmerton
Avenue
Harrisburg, PA
17110-8200
717-705-4707

*Facility Location:
Municipality &
County*

Permit No.

*Applicant Name &
Address*

*Site Name &
Location*

*Contact Office &
Phone No.*

Southampton PAG080016
Township PAG083556
Cumberland County PAG083605

Merrell Bros., Inc.
8811 West 500 North
Kokomo, IN 46901

Rodney Monn Farm
1246 Baltimore
Road
Shippensburg, PA
17257

DEP-SCRO
909 Elmerton
Avenue
Harrisburg, PA
17110-8200
717-705-4707

General Permit Type—PAG-10

*Facility Location:
Municipality &
County*

Permit No.

*Applicant Name &
Address*

*Receiving Water /
Use*

*Contact Office &
Phone No.*

Wyalusing Township PAG104834
Bradford County

Tennessee Gas Pipeline LLC
1001 Louisiana Street
Houston, TX 77002

Wyalusing
Creek—4-D

DEP Northcentral
Regional Office
Clean Water
Program
208 W Third Street
Suite 101,
Williamsport, PA
17701-6448
570.327.3664

Troy Township PAG104833
Bradford County

Tennessee Gas Pipeline LLC
1001 Louisiana Street
Houston, TX 77002

Unnamed Tributary
to South Branch
Sugar Creek—4-C

DEP Northcentral
Regional Office
Clean Water
Program
208 W Third Street
Suite 101,
Williamsport, PA
17701-6448
570.327.3664

STATE CONSERVATION COMMISSION

NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES PERMITS FOR CAFOs

The State Conservation Commission has taken the following actions on previously received applications for nutrient management plans under 3 Pa.C.S. Chapter 5, for agricultural operations that have or anticipate submitting applications for new, amended or renewed NPDES permits or NOIs for coverage under a general permit for CAFOs under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Persons aggrieved by an action may appeal under 3 Pa.C.S. § 517, section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704 to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge actions, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board. Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary of the Board at (717) 787-3483 for more information.

NUTRIENT MANAGEMENT PLAN PUBLIC NOTICE SPREADSHEET—ACTIONS

| <i>Agricultural Operation Name and Address</i> | <i>County</i> | <i>Total Acres</i> | <i>Animal Equivalent Units</i> | <i>Animal Type</i> | <i>Special Protection Waters (HQ or EV or NA)</i> | <i>Approved or Disapproved</i> |
|---|---------------|--|--|------------------------|---|------------------------------------|
| J. Earl Breneman 1700 Prospect Road Washington Boro, PA 17582 | Lancaster | 400 | 1457.11 | Dairy/Broilers | N/A | Approved |
| Longacre Farm Path Valley Road Dry Run, PA 17220 | Franklin | 51, 0 acres available for manure | 576.82 | Swine | NA | Approved |

PUBLIC WATER SUPPLY PERMITS

The Department has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this document to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act

Southcentral Region: Water Supply Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110

Permit No. 2112515 MA, Minor Amendment, Public Water Supply.

| | |
|--------------------------------|--|
| Applicant | Sandy Point Properties, LTD |
| Municipality | North Middleton Township |
| County | Cumberland |
| Responsible Official | Terry Leiby PO Box 1384 Carlisle, PA 17013 |
| Type of Facility | Hillside Mobile Home Park- Installation of one 120-gallon chlorine contact tank and demonstration of 4-log treatment of viruses. |
| Consulting Engineer | Not Available |
| Permit to Construct Issued: | 12/10/2012 |

Operations Permit issued to: **Schoolhouse Apartments**, 7360029, Rapho Township, **Lancaster County** on 12/10/2012 for the operation of facilities submitted under Application No. 3612543 MA.

Operations Permit issued to: **Lupfer Grove Mobile Home Park and Campground**, 7500032, Carroll Town-

ship, **Perry County** on 12/10/2012 for the operation of facilities submitted under Application No. 5012509 MA.

Operations Permit issued to: **Leola Sewer Authority**, 7360140, Upper Leacock Township, **Lancaster County** on 12/6/2012 for the operation of facilities approved under Construction Permit No. 3612518 MA.

Operations Permit issued to: **W. L. Zimmerman & Sons, Inc.**, 7360671, Leacock Township, **Lancaster County** on 12/10/2012 for the operation of facilities approved under Construction Permit No. 3612519.

Northwest Region: Safe Drinking Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

Operation Permit issued to **Sandy Lake Borough**, PWSID #6430052, Sandy Lake Borough, **Mercer County**. Permit Number 4311502 issued December 7, 2012 for the operation of the Sandy Lake Borough Water Treatment Plant located off of Patton Road in Sandy Lake Township, Mercer County, Pennsylvania. This permit is issued in response to an operation inspection conducted by the Department of Environmental Protection personnel on November 29, 2012.

Permit No. 1612501 Public Water Supply

| | |
|-------------------------------|---|
| Applicant | Piney Creek Limited Partnership |
| Township or Borough | Piney Township |
| County | Clarion |
| Type of Facility | Public Water Supply |
| Consulting Engineer | Rulison Evans, P.E. Gannett Fleming, Inc. 601 Holiday Drive Pittsburgh, PA 15220 |
| Permit to Construct Issued | December 10, 2012 |

HAZARDOUS SITES CLEAN-UP UNDER THE ACT OF OCTOBER 18, 1988

Yuhas Dump Site—Phase 2 Pocono Township, Monroe County

The Pennsylvania Department of Environmental Protection ("Department"), under the authority of the Hazardous Sites Cleanup Act, 35 P. S. Sections 6020.101 et seq., reopens the administrative record on December 22, 2012, pursuant to Section 506(h) of HSCA, 35 P. S. Section 6020.506(h), to provide the public the opportunity to comment on the proposed addition to the previously selected interim response.

The Department reopens the administrative record pursuant to Section 506(g) and (h) of HSCA, 35 P. S. Sections 6020.506(g) and 6020.506(h). The Department is adding the following to the interim response selected in the January 25, 2012, Statement of Decision (SOD): demolition of the existing house (former Yuhas house) and the recycling and/or offsite disposal at a permitted facility of the demolition debris and any other excess wastes or recyclable materials generated during the interim response. The selected interim response in the approved SOD includes relocation of a portion of the Dry Sawmill Run away from the toe of the Construction and Demolition ("C&D") waste pile, stabilization of the waste pile with the construction of a Mechanically Stabilized Embankment ("MSE Wall") and the grading, covering and vegetation of the waste pile material.

The Department and Pocono Township have determined that the former Yuhas house should be demolished due to safety concerns and the Department needs additional space for the safe movement of equipment and for storage during site work. The house has suffered damage and deterioration as a result of fire, water, wind, vandals and appears unfit for human habitation; dangerous to life and safety; and the structure does not appear to be capable of being properly repaired. Neither the Department nor the Township has been able to contact the current owner of record, LIG Investments, Inc. The LIG/Yuhas property was for sale at the May 2, 2012 Judicial Tax Sale due to delinquent taxes. The property was not sold and is now on the Monroe County Repository Tax Sale List. On July 16, 2012, Pocono Township adopted a Dangerous Structures Ordinance, 2012-03, which would authorize the demolition of the dilapidated Yuhas house. On August 6, 2012, Pocono Township adopted Resolution No. 622, which provides for emergency action under Section 9 of Ordinance 2012-03 to allow the immediate demolition of the Yuhas house.

The new information is available within the administrative record for public review and comment. The administrative record is located at Pocono Township Municipal Building, P. O. Box 197 (Route 611), Tannersville, PA 18372 and is available for review Monday through Friday from 8:30 AM to 12:00 PM and 1:00 PM to 4:00 PM. The Township Building is closed from 12:00 PM until 1:00 PM for lunch.

The new information contained in the administrative record will be open for comment for 60 days from the date published in the *Pennsylvania Bulletin*. The administrative record will be open for comment from December 22, 2012 through February 20, 2013. Persons may submit written comments regarding the new information entered into the record during this time only, by sending their comments to Meg Boyer, Project Officer, at the Department's Bethlehem District Office at 4530 Bath Pike, Bethlehem, PA 18017, or by delivering them to that office in person Monday through Friday from 8:00 AM and 4:00 PM.

In addition, persons may present oral comments, for inclusion in the administrative record, at a Public Hearing. The Department has scheduled the hearing for February 6, 2013 at 10:30 AM at the Pocono Township Municipal Building. The testimony at the public hearing will be limited to the proposed addition to the interim response, which involves the demolition of the former Yuhas house and the recycling and/or offsite disposal at a permitted facility of the demolition debris and any other excess wastes or recyclable materials generated during the interim response. Persons wishing to present testimony at the February 6, 2013 Public Hearing regarding the addition to the interim response should register with Meg Boyer by telephone at (610) 861-2070, or in writing to Meg Boyer at the Department's Bethlehem District Office.

Persons with a disability who wish to attend the February 6, 2013 hearing and require auxiliary aid, service or other accommodations to participate in the proceedings, should contact Meg Boyer or the Pennsylvania AT&T Relay Service at 1-800-654-5984 (TDD) to discuss how the Department may accommodate their needs.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 2

The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907).

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S. §§ 6026.301—6026.308) require the Department to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the environmental cleanup program manager in the Department regional office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

Northeast Region: Eric Supey, Environmental Cleanup and Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Sheridan Residence, 3650 Walt Whitman Lane, Hanover Township, **Northampton County**, Jeremy Bolyn, Environmental Maintenance Co., Inc., has submitted a Final Report on behalf of his client, Mr. Larry Sheridan, 3650 Walt Whitman Lane, Bethlehem, PA 18017, concerning the remediation of soil found to have been impacted by No. 2 fuel oil as a result of an overfill of approximately 35 gallons of fuel oil that leaked to a concrete basement floor. The applicant proposes to remediate the site to meet the Residential Statewide Health Standard for soil. The intended future use of the site is residential. A public notice regarding the submission of the Final Report was published in *The Morning Call*, on October 24, 2012. A Notice of Intent to remediate was simultaneously submitted and published in *The Morning Call*, on October 24, 2012.

Former Excel Storage Facility, Route 447, Stroud Township, **Monroe County**, Mary King, Civil & Environmental Consultants, Inc., has submitted an Remedial Investigation Report and Cleanup Report on behalf of her client, Robert Riegler, Route 244 Storage Center, LLC, Route 447, East Stroudsburg, PA 18301, concerning the remediation of trichloroethene (TCE), tetrachloroethene (PCE) and cis-1,2-dichloroethene (c-1,2-DCE) in shallow exterior soils and below the interior floor slab at concentrations. The applicant proposes to remediate the site to meet the Non-Residential Site Specific Standard for soil and groundwater. The intended future use of the site is for warehousing.

Southwest Region: Environmental Cleanup & Brownfield Development Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Pennzoil Quaker-State Bulk Plant, Tunnel Avenue & Traverse Street, Stoneycreek Township, **Cambria County**. URS Corporation, 681 Anderson Drive, Foster Plaza 6, Suite 400, Pittsburgh, PA 15220 on behalf of Pennzoil-Quaker State Company, 700 Milan Street, 30th Floor, Houston, TX 77067 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with petroleum constituents from a refined petroleum release.

Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701

U.S. Express, Bloomsburg, **Columbia County**. Northridge Group, Inc., 1172 Ridge Road, Northumberland, Pa 17857 on behalf of US Express/Total Transport, 6001 Cochran Road, Suite 300, Solon OH 44139 has submitted a Final Report concerning remediation of site soils contaminated with Benzene, Toluene, Ethylbenzene, Cumene, Napthalene, 1,3,5-Trimethylbenzene, 1,2,4-Trimethylbenzene, and Methyl tertiary Butyl Ether. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Hurley Road Release, Union Township, **Tioga County**. Golder Associates, Inc., 209 North Main Street, Horseheads, NY 14845 on behalf of Talisman Energy USA, Inc., 337 Daniel Zenker Drive, Horseheads, NY 14845 has submitted a Final Report concerning remediation of site soil contaminated with Barium and compounds. The report is intended to document remediation of the site to meet the Statewide Health Standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907).

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection

of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the environmental cleanup program manager in the Department regional office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701

Fed Ex Freight, Lamar Township, **Clinton County**. Northridge Group, Inc., 1172 Ridge Road, Northumberland, Pa 17857 on behalf of Fed Ex Freight, Inc., 2200 Forward Drive, Harrison, AR 72601 has submitted a Final Report concerning the remediation of site soils contaminated with Benzene, Toluene, Ethylbenzene, Cumene, Napthalene, 1,3,5-Trimethylbenzene, 1,2,4-Trimethylbenzene, Methyl tertiary Butyl Ether. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on November 27, 2012.

Hurley Road Release, Union Township, **Tioga County**. Golder Associates, Inc., 209 North Main Street, Horseheads, NY 14845 on behalf of Talisman Energy USA, Inc., 337 Daniel Zenker Drive, Horseheads, NY 14845 has submitted a Final Report concerning the remediation of site soil contaminated with Barium and compounds. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on November 28, 2012.

U.S. Express, Bloomsburg, **Columbia County**. Northridge Group, Inc., 1172 Ridge Road, Northumberland, Pa 17857 on behalf of US Express/Total Transport, 6001 Cochran Road, Suite 300, Solon, OH 41439 has submitted a Final Report concerning the remediation of site soils contaminated with Benzene, Toluene,

Ethylbenzene, Cumene, Naphthalene, 1,3,5-Trimethylbenzene, 1,2,4-Trimethylbenzene, and Methyl tertiary Butyl Ether. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on December 4, 2012.

HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

Draft permits issued, revised or withdrawn under the Solid Waste Management Act (35 P.S. §§ 6018.101–6018.1003) and Regulations to Operate a Hazardous Waste Treatment, Storage, or Disposal Facility.

Northwest Region: Regional Solid Waste Manager, 230 Chestnut Street, Meadville, PA 16335-3481

PAD005033055. General Electric Transportation System Inc., 2901 East Lake Road, Erie, PA 16351, Lawrence Park Township, **Erie County**. General Electric Transportation Systems in Erie is seeking to renew their current Hazardous Waste TSD permit for storage. The existing permit expires December 19, 2012. The draft renewal permit was issued on July 2, 2012.

REGISTRATION FOR GENERAL PERMIT—RESIDUAL WASTE

Registration issued Under the Solid Waste Management Act; the Residual Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101–4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash.

Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Williamsport, PA 17701

General Permit Registration No. WMGR123NC022. Shell Appalachia, SWEPI LP, 190 Thorn Hill Road, Warrendale, PA 15086. Registration to operate under General Permit No. WMGR123 for a treatment facility located in Sullivan Township, **Tioga County**, for reuse of gas well frac water and production water. The registration was approved by NorthCentral Regional Office on December 10, 2012.

Persons interested in reviewing the general permit may contact Lisa D. Houser, P.E., Facilities Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3740. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Permit(s) Issuance Under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101–4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

In accordance with 25 Pa. Code § 287.152(a)(4), the Department will publish a notice in the *Pennsylvania Bulletin* of justification of overriding county or host municipality recommendations regarding an application for a permit modification under section 504 of the act (35 P.S. § 6018.504).

Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Williamsport, PA 17701

Permit No. 301355. Eagle Environmental II, L.P./ Interstate Waste Services, 354 Alexander Spring Road, Suite 3, Carlisle, PA 17015, Chest Township, **Clearfield County**. The permit is for the construction of a new site, Harmony Landfill, to accept approved residual waste. The site can accept an average of 1,500 tons/day with a maximum of 2,500 tons/day of waste. The permit was issued by Northcentral Regional Office on October 9, 2012.

Persons interested in reviewing the permit may contact Lisa D. Houser, P.E., Facilities Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3740. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

Justification for Overriding County's Recommendations

On September 5, 2008, the Department received comments from the Clearfield County Commissioners concerning the new permit application. After a full review of the permit application and the Commissioner's comments, the Department issued the Waste Management and Watersheds permits. Following are relevant comments pertaining to the application and the basis for overriding these comments:

Comment # 1: The proposed landfill is materially inconsistent with the County's Comprehensive Plan.

Response: The County's Comprehensive Plan addresses the development of new landfills in Chapter 2: "Citizen Participation/ Visioning." This chapter is a compilation of a public survey. However, Chapter 8: "Community Services and Utility Facilities" refers to the County's Municipal Waste Management Plan. These plans are not required to address Residual Waste Facilities. Municipal zoning permits a residual waste facility. The Department did not consider the landfill to be inconsistent with the County's Comprehensive Plan or its land use policy.

Comment # 2: The proposed landfill would negatively impact our developing tourism industry.

Response: Impact on developing tourism is not a factor in the Department's application review.

Comment # 3: The proposed landfill would be detrimental to proposed "West Branch" scenic byway.

Response: The traffic impacts of this project were reviewed in detail and approved by PaDOT and have been addressed and concurred in by the Department.

Comment # 4: The proposed landfill would create traffic-associated impacts.

Response: The traffic impacts of this project were reviewed in detail and approved by PaDOT and have been addressed and concurred in by the Department.

Comment # 5: The proposed landfill could create environmental impacts to an exceptional value watershed.

Response: The proximity and possible impacts to the exceptional value waters have been evaluated in depth by the Department. The setbacks required by the regulations have been met and the potential impacts to the watershed have been minimized to the Department's satisfaction.

Comment # 6: The harms from the proposed landfill materially outweigh the benefits.

Response: The Department conducted an Environmental Assessment Analysis in which the information submitted by the applicant was utilized and independently reviewed by the Department. The Department performed the Environmental Assessment Analysis as required by the Department's regulations and concluded that the benefits of the project outweighed the harms. To see the specific analysis encompassed in the Environmental Assessment dated December 2011 which addresses the specific concerns outlined by the County, contact DEP's Northcentral Regional Office.

AIR QUALITY

General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001–4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701

Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648

GP5-59-206C: Mainesburg Gathering System, LP (5613 DTC Parkway, Suite 310, Greenwood Village, CO 80111) on November 13, 2012, to authorize the construction and operation of two (2) 1,340 brake horsepower Caterpillar model G3516LE, lean-burn natural gas-fired engines with oxidation catalysts to control the air contaminant emissions pursuant to the General Plan Approval And/Or General Operating Permit for Natural Gas, Coal Bed Methane or Gob Gas Production or Recovery Facilities (BAQ-GPA/GP5) at their Mainesburg Compressor Station in Sullivan Township, **Tioga County**.

GP3-08-337: Glenn O. Hawbaker, Inc. (711 East College Avenue, Bellefonte, PA 16823) on December 3, 2012, to authorize the relocation of a Metso Lokotrack model ST272 mobile screening plant to the Greens Landing facility pursuant to the General Plan Approval And/Or General Operating Permit for Portable Nonmetallic Mineral Processing Plant (BAQ-GPA/GP-3) in Athens Township, **Bradford County**.

GP11-08-337: Glenn O. Hawbaker, Inc. (711 East College Avenue, Bellefonte, PA 16823) on December 3, 2012, to authorize the relocation of a 167 bhp Deutz model TCD2013L04 diesel-fired engine to their Greens Landing facility in Athens Township, **Bradford County** pursuant to the General Plan Approval And/Or General Operating Permit for Nonroad Engines (BAQ-GPA/GP-11).

GP3-08-374: Meshoppen Stone, Inc. (PO Box 127, Meshoppen, PA 18630) on December 3, 2012, to construct and operate a portable 200 ton/hour BL Pegson 3244 stone crusher with associated water spray dust suppression system pursuant to the General Plan Approval And/Or General Operating Permit For Portable Nonmetallic Mineral Processing Plants (BAQ-GPA/GP-3) at the SW Energy Greenzweig #9 site in Herrick and Orwell Townships, **Bradford County**.

GP9-08-374: Meshoppen Stone, Inc. (PO Box 127, Meshoppen, PA 18630) on December 3, 2012, to construct and operate one 425 brake horsepower, CAT C9 diesel-fired engine pursuant to the General Plan Approval And/Or General Operating Permit (BAQ-GPA/GP-9): Diesel or No. 2 Fuel-fired Internal Combustion Engines at the SW Energy Greenzweig No. 9 site in Herrick and Orwell Townships, **Bradford County**.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Contact: Mark Gorog and Barb Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226

GP5-30-00215: Coal Gas Recovery, LLC (158, Portal Road, P. O. Box 1020, Waynesburg, PA 15370) on December 7, 2012, to authorize the installation and operation of a Waukesha Compressor Engine, rated at 400 bhp; Seven (7) fixed roof above ground storage tanks to store brine water, and One (1) ancillary mine dewatering pump driven by 15 bhp ICE at their DD-2/3 Compressor Station located in Center Township, **Greene County**.

Plan Approvals Issued under the Air Pollution Control Act and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401

Contact: Sachin Shankar, New Source Review Chief—Telephone: 484-250-5920

23-0047F: Evonik Degussa Corp. (1200 West Front Street, Chester, PA 19013) on December 3, 2012, for installation of a spray dryer, Silo, & Granulator System all individually controlled by their baghouse in Chester, City of Chester, **Delaware County**. The company manufactures silica from sodium silicate. The pollutant of concern is Particulate Matter (PM). The Plan Approval and Operating permit will include monitoring, record keeping & reporting requirements designed to address all applicable air quality requirements.

09-0027H: Fres-Co System USA, Inc. (3005 State Road, Telford, PA 18969) on December 3, 2012, for a Title V Plan Approval application for a 6 ton per year VOC emission increase on Press 203 in West Rockhill Township, **Bucks County**. The Plan Approval will contain monitoring, recordkeeping and operating restrictions designed to minimize emissions and keep the facility operating within all applicable air quality requirements.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110

Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Program Manager—Telephone: 717-705-4702.

06-05073A: Dyer Quarry, Inc. (P. O. Box 188, Rock Hollow Road, Birdsboro, PA 19508) on November 29, 2012, for installation of a primary crusher, scalping screen, and two (2) conveyors at their quarry and stone crushing facility in Robeson Township, **Berks County**. The crusher and screen will be controlled by wet suppression.

06-05095A: Unicast Co. (241 North Washington Street, Boyertown, PA 19512-1114) on November 27, 2012, for construction of two (2) Coreless Electric Induction Furnaces at their foundry in Boyertown Borough, **Berks County**.

01-05016Q: Specialty Granules, Inc. (1455 Old Waynesboro Road, PO Box O, Blue Ridge Summit, PA 17214-0914) on December 3, 2012, for installation and temporary operation of a fabric filter to control the undersize materials and conveying system at their roofing granules manufacturing facility and quarry in Hamiltonban Township, **Adams County**. The source was previously controlled by wet suppression for particulate emissions.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701

Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648

41-00086A: LBV Professional Services, LLC (350 Spruce Street, Montoursville, PA 17754-1706) on December 5, 2012, for construction of a human crematorium at their facility in Montoursville Borough, **Lycoming County**.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481

Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6636

20-307A: Fisher & Ludlow, Inc. (607 Erie Street, Saegertown, PA 16433) on December 5, 2012, for existing surface coating and welding operations at their facility in Saegertown Borough, **Crawford County**. The Plan Approval will subsequently be incorporated into the facility's Operating Permit through an administrative amendment in accordance with 25 Pa. Code Section 127.450.

43-359A: GE Transportation—Grove City UX Facility (1503 West Main Street Extension, Grove City, PA 16127) on November 30, 2012, for construction of a paint booth, an emergency generator, natural gas fired heaters and ovens and the use of various solvents to be at 660 Barkeyville Road, in Grove City, Pennsylvania (16127-4802) in Pine Township, **Mercer County**.

Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401

Contact: Sachin Shankar, New Source Review Chief—Telephone: 484-250-5920

46-0200C: John Middleton Co. (475 North Lewis Road, Limerick, PA 19468) on December 3, 2012, to operate a 700hp natural gas-fired boiler in Upper Merion Township, **Montgomery County**.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701

Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648

08-00031A: Appalachia Midstream Services, LLC (6100 N. Western Avenue, Oklahoma City, OK 73154-1368) on November 16, 2012, to extend the authorization to operate the sources pursuant to the plan approval an additional 180 days from November 26, 2012 to May 25, 2013 in Granville Township, **Bradford County**. The plan approval has been extended.

14-00014C: Glenn O. Hawbaker, Inc. (711 E College Avenue, Bellefonte, PA 16823) on November 16, 2012 to extend the authorization to operate the sources pursuant to the plan approval an additional 180 days from November 17, 2012 to May 16, 2013 in Spring Township, **Centre County**. The plan approval has been extended.

08-313-004L: Global Tungsten & Powders Corp. (1 Hawes Street, Towanda, PA 18848) on December 3, 2012, to extend the date by which stack testing must be performed by an additional 120 days from December 13, 2012 to April 12, 2013 and to extend the authorization to operate the sources pursuant to the plan approval an

additional 120 days from July 27, 2013 to November 20, 2013 Towanda Borough, **Bradford County**. The plan approval has been extended.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Contact: M. Gorog & B. Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226

04-00730: Lindy Paving, Inc. (1811 Shenango Road, New Galilee, PA 16141) on December 13, 2012, for a Plan Approval extension with an expiration date of June 13, 2013, which authorizes continued temporary operation of air contamination sources and controls at its asphalt plant Big Beaver Borough, **Beaver County**.

Title V Operating Permits Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter G.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701

Contact: Muhammad Zaman, Environmental Program Manager—Telephone: 570-327-3648

55-00001: Sunbury Generation LP (Old Trail Road, PO Box 517, Shamokin Dam, PA 17876) on November 30, 2012, issued a renewal Title V and Title IV (Acid Rain) Operating Permits for operation of their electricity generating facility in Shamokin Dam Borough, **Snyder County**. The facility operates utility boilers, combustion turbines, diesel generators and an ash handling and storage system. The emission limitations, testing, monitoring, recordkeeping, reporting and work practice conditions of the TVOP have been derived from the applicable requirements of 40 CFR Parts 52, 60, 63, 64, 68, 72, 73, 74, 75, 76, 96, 97, 98 and Pa. Code Title 25, Article III, Chapters 121 through 145. The Title V operating permit will expire on November 29, 2017.

Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19428

Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920

46-00199: Alcom Printing Group, Inc. (140 Christopher Lane, Harleysville, PA 19438) on December 3, 2012, for operation of seven (7) lithographic printing presses at Alcom Printing in Lower Salford Township, **Montgomery County**. The renewal permit is for a non-Title V (State-only) facility. Facility-wide potential to emit volatile organic compound (VOC) emissions are less 25 tons per year; therefore, the facility is a Natural Minor. The facility is an area source for hazardous air pollutants (HAP) emissions. Press 7 (Source ID 107), previously operating under General Permit No. GP10-46-0040, will be incorporated into the facility wide permit with this renewal. There are no applicable federal requirements for this facility. The renewal permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

15-00108: Refractory Minerals Company, Inc. (150 S Jennersville Rd, West Grove, PA 19390-9430) on December 3, 2012, for operation of an alumina processing facility in Penn Township, **Chester County**. The renewal permit is for a non-Title V (State only) facility and no

changes have taken place since the permit was last issued on November 27, 2007. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

23-00031: Mercy Fitzgerald Hospital (1500 Lansdowne Avenue, Darby, PA 19023-1291) on December 6, 2012, for renewal of a State Only, Synthetic Minor Operating Permit in Lower Darby Borough, **Delaware County**. The facility operates three boilers and three emergency generators. This proposed renewal of the Operating Permit does not authorize any increase in air emissions of regulated pollutants above previously approved levels. The facility maintains a synthetic minor operating status by maintaining total NO_x emissions to less than 25 tons per year. The permit includes monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

46-00186: Tri-Valley Crematory (667 Harleyville Pike, Franconia, PA) on December 5, 2012, for operation of a human crematory in Franconia Township, **Montgomery County**. The renewal permit is for a non-Title V (State only) facility. The major source of air emissions is one (1) propane-fired human crematory unit. No changes have taken place at the facility and there have been no new regulations since the permit was last issued in November 2007. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790

Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507

58-00008: Pennfield Corp. (1 Mill Street, PO Box 222, South Montrose, PA 18843) on December 4, 2012, for operation of an animal food manufacturing facility in Bridgewater Township, **Susquehanna County**. The source consists of pelleting and flaking equipment, grain elevators, storage bins, three (3) cyclones, and three (3) baghouses for particulate control. The source is considered a minor emission source of particulate emissions. This is a State-Only operating permit. The State-Only operating permit includes emissions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110

Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Program Manager—Telephone: 717-705-4702.

31-03003: New Enterprise Stone & Lime Co., Inc. (PO Box 77, New Enterprise, PA 16664-0077) on November 29, 2012 for their limestone crushing operations at the Orbisonia Quarry in Cromwell Township, **Huntingdon County**. The State-only permit was renewed.

31-03033: Stone Valley Welding, LLC (11582 Guyer Road, Huntingdon, PA 16652-9019) on December 4, 2012, for their steel roll-off box fabrication and painting facility in Jackson Township, **Huntingdon County**. The State-only permit was renewed.

06-05090: Toppa Interamerica, Inc. (PO Box 470, Morgantown, PA 19543-0470) on December 4, 2012, for their rotogravure graphic arts printing facility in Caernarvon Township, **Berks County**. The State-only permit was renewed.

07-03058: NPC, Inc. (13710 Dunning Highway, Claysburg, PA 16625-7802) on December 4, 2012, for their printing facility in Greenfield Township, **Blair County**.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701

Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648

41-00079: Eureka Resources, LLC (454 Pine Street, Williamsport, PA 17701) on December 5, 2012, for a state only operating permit for their facility in Williamsport, **Lycoming County**. The state only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

41-00051: Wirerope Works, Inc. (100 Maynard Street, Williamsport, PA 17701) on December 10, 2012, for operation of their Williamsport Plant facility in the City of Williamsport, **Lycoming County**.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-4174

32-00101: Halliburton Energy Services, Inc.—Indiana Plant (101 Lucerne Road, Homer City, PA 15748) on December 6, 2012, for a State Only Operating Permit for the operation of a cement and fly ash storage facility for the oil and gas industry located in Homer City Borough, **Indiana County**. The subject facility consists of six cement storage tanks, one fly ash storage tank, one waste storage tank, one scale storage tank, one blend tank, two hydrochloric storage tanks and one acid rain return storage tank used to store materials used for oil and gas well isolation. The facility is required to conduct a weekly survey of the facility during daylight hours while the facility is operating to ensure compliance with the visible emission, fugitive emission and malodor restrictions. Records of the weekly survey performed must be recorded. Monthly preventative maintenance inspections are to be performed on the control devices and recorded in an on-site log. The facility is also required to water all in-plant roads once per day, dependent on the weather, maintain a set vehicle pattern, post speed limit sign of 15 mph as well as promptly remove earth or other material from paved roads onto with earth or other material has been transported by trucking or earth moving equipment, or other means. Particulate matter emissions are not to exceed 0.04 gr/dscf. The proposed authorization is subject to State and Federal Regulations. The permit includes operation requirements, monitoring requirements, and recordkeeping requirements.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481

Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-616636

10-00152: Triangle Gasoline Co. (1100 North Main Street Extension, Butler, PA 16001-1958) on December 6, 2012, to renew the State Only Operating Permit for their bulk gasoline plant (three gasoline storage tanks) with vapor recovery system in Butler Township, **Butler County**. The facility also has a small parts washer. The facility is subject to the NESHAPs for Area Sources for

Gasoline Bulk Plants in 40 CFR 63 Subpart BBBBBB. The gasoline throughput from the facility is less than 20,000 gallons per day. The potential VOC emissions from the facility are approximately 3 TPY. The renewal permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

*Department of Public Health, Air Management Services:
321 University Avenue, Philadelphia, PA 19104*

Contact: Edward Wiener, Chief—Telephone: 215-685-9426

N12-035: Kuusakoski Philadelphia LLC. (3150 Orthodox Street., Philadelphia, PA 19137) on December 10, 2012, to operate an electronics scrap recycling plant in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include a process which consists of a pre-treatment crusher with a 275 HP diesel-fired internal combustion engine and a ring crusher with an electric motor. Ring crusher emissions vent to a cyclone and a fabric filter.

N12-036: Verizon-Pennsylvania, Inc.—Locust Central Office (1631 Arch Street, Philadelphia, PA 19103) on December 10, 2012, to operate a telecommunications facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include two (2) 1500-kilowatt emergency generators firing diesel fuel oil.

Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701

Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648

60-00014: Evangelical Community Hospital (One Hospital Drive, Lewisburg, PA 17837-9314) issued an amendment of state only operating permit on December 4, 2012 for their facility located in Kelly Township, **Union County**. This operating permit amendment incorporates all terms and conditions specified in Plan Approval 60-00014A.

Operating Permits Denied, Terminated, Suspended or Revoked under the Air Pollution Control Act and 25 Pa. Code §§ 127.431 and 127.461.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481

Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6636

37-00027: Lindy Paving Inc./West Pittsburg Plant (2340 2nd Avenue, Pittsburgh, PA 15219), on December 6, 2012, for revocation of their State Only Operating Permit for the operation of the batch asphalt facility in Taylor Township, **Lawrence County**. This operating permit was revoked because of a permanent shutdown of operations at the West Pittsburg Plant.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law; the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.20a). The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to applications will also address the application permitting requirements of the following statutes: the Air Quality Pollution Act (35 P. S. §§ 4001—4014); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1002).

Coal Applications Returned

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900

32980101 and NPDES No. PA234656. M. B. Energy, Inc., 175 McKnight Road, Blairsville, PA 15717, permit renewal for reclamation only of a bituminous surface mine in Brushvalley Township, **Indiana County**, affecting 140.0 acres. Receiving stream(s): unnamed tributaries to Brush Creek and unnamed tributary to Yellow Creek classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: November 19, 2012. Application returned: December 6, 2012.

Coal Permits Actions

California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100

56841328 and NPDES No. PA0033677. Rosebud Mining Company, (301 Market Street, Kittanning, PA 16201). To revise the permit for Mine 78 in Adams Township, **Cambria County** and related NPDES permit for the St. Michael Treatment Plan surface facility. NPDES discharge point 005 will be added to discharge the treated mine water. Surface Acres Proposed 4.8. Receiving stream: Unnamed Tributary to South Fork Little Conemaugh River, classified for the following use: CWF. The application was considered administratively complete on December 29, 2011. Application received: September 2, 2011. Permit issued: December 5, 2012.

30753712. Emerald Coal Resources, LP, (158 Portal Road, P. O. Box 1020, Waynesburg, PA 15370). To revise the permit for the Emerald Mine No. 1—Coal Refuse Disposal Facility No. 1 in Franklin Township, **Greene County** to add acreage for development of a soil borrow area for site reclamation. Coal Refuse Disposal Support Acres Proposed 22.5. No additional discharges. The application was considered administratively complete on April 19, 2011. Application received: November 23, 2010. Permit issued: December 7, 2012.

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900

32070105 and NPDES No. PA0262412. Bedrock Mines, LP, 111 Freeport Road, Pittsburgh, PA 15215, permit renewal for the continued operation and restora-

tion of a bituminous surface mine in Washington Township, **Indiana County**, affecting 35.0 acres. Receiving stream(s): South Branch Plum Creek classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: July 25, 2012. Permit issued: November 29, 2012.

05110101 and NPDES No. PA0263231. Robindale Energy Services, Inc., 224 Grange Hall Road, Armagh, PA 15920, commencement, operation and restoration of a bituminous surface mine in Broadtop Township, **Bedford County**, affecting 216.0 acres. Receiving stream(s): Shreves Run and Longs Run classified for the following use(s): warm water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: April 20, 2011. Permit issued: November 27, 2012.

Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191

16110104 and NPDES Permit No. PA0259161. Neiswonger Construction, Inc. (17592 Route 322, Strattanville, PA 16258) Commencement, operation and restoration of a bituminous surface mine in Clarion Township, **Clarion County** affecting 11.0 acres. Receiving streams: Unnamed tributaries to the Clarion River. This application includes a post-mining land use change from forestland to pastureland or land occasionally cut for hay on the property of Joseph P. Izzi. Application received: September 8, 2011. Permit Issued: December 5, 2012.

6774-16110104-E-1. Neiswonger Construction, Inc. (17592 Route 322, Strattanville, PA 16258) Application for a stream encroachment to construct a permanent crossing over an unnamed tributary B to the Clarion River in Clarion Township, **Clarion County**. Receiving streams: Unnamed tributaries to the Clarion River. In conjunction with this approval, the Department is granting a 401 Water Quality Certification certifying that the approved activities will comply with the applicable provisions of Sections 301—303, 306 and 307 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341) and will not violate applicable Federal and State water quality standards. Application received: September 8, 2011. Permit Issued: December 5, 2012.

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200

17020103 and NPDES No. PA 0243221. River Hill Coal Co., Inc. (P. O. Box 141, Kylertown, PA 16847). Permit renewal for the continued operation and restoration of a bituminous surface and auger mine in Chest Township, **Clearfield County**, affecting 560.7 acres. Receiving streams: Wilson Run and McMasters Run to Wilson Run to Chest Creek classified for the following use: Cold Water Fishes. There are no potable water supply intakes within 10 miles downstream. Application received: May 31, 2012. Permit issued: November 29, 2012.

14860103 and NPDES No. PA0115576. Keystone Coal Co. (1375 Jackson St., Suite 401, Fort Myers, FL 33901). Renewal for reclamation only of an existing bituminous surface mine located in Snow Shoe Township, **Centre County** affecting 199.0 acres. Receiving stream: Unnamed Tributary to Beech Creek classified for Cold Water Fishes. There are no potable water supply intakes within 10 miles downstream. Application received: April 23, 2012. Permit issued: November 29, 2012.

17010106 and NPDES No. PA0243086. AMFIRE Mining Co, LLC (One Energy Place, Latrobe, PA 15650). Permit renewal for the continued operation and restoration of a bituminous surface and auger mine located in Woodward Township, **Clearfield County** affecting 299.0 acres. Receiving stream: Unnamed Tributary to Upper Morgan Run classified for Cold Water Fishes. There are no potable supply intakes within 10 miles downstream. Application received: May 7, 2012. Permit issued: December 5, 2012.

17060112 and NPDES No. PA0238376. AMFIRE Mining Co, LLC (One Energy Place, Latrobe, PA 15650). Permit renewal for the continued operation and restoration of a bituminous surface and auger mine located in Bell Township, **Clearfield County** affecting 367.0 acres. Receiving streams: Laurel Run and Lost Run classified for Cold Water Fishes. There are no potable water supply intakes within 10 miles downstream. Application received: April 26, 2012. Permit issued: December 5, 2012.

17010110 and NPDES No. PA 0243132. River Hill Coal Co., Inc. (P. O. Box 141, Kylertown, PA 16847). Permit renewal for the continued operation and restoration of a bituminous surface and auger mine in Bigler Township, **Clearfield County**, affecting 320.0 acres. Receiving streams: Upper Morgan Run and Tributaries to Upper Morgan Run, classified for the following use: Cold Water Fishes. There are no potable water supply intakes within 10 miles downstream. Application received: May 31, 2012. Permit issued: November 29, 2012.

14040103 and NPDES No. PA0243876. River Hill Coal Co., Inc., (P. O. Box 141, Kylertown, PA 16847). Permit renewal for the continued operation and restoration of a bituminous surface mine in Snow Shoe Township, **Centre County**, affecting 46.7 acres. Receiving streams: Unnamed Tributaries to Beech Creek, Beech Creek, classified for the following use: Cold Water Fishes. There are no potable water supply intakes within 10 miles downstream. Application received: May 30, 2012. Permit issued: November 29, 2012.

17960122 and NPDES No. PA0220493. Forcey Coal, Inc. (P. O. Box 225, 475 Banian Road Madera, PA 16661). Permit renewal for reclamation only of an existing bituminous surface and auger mine, and Coal Ash Beneficial Use permit located in Bigler Township, **Clearfield County**, affecting 122.0 acres. Receiving streams: Banian Run and Muddy Run classified for the following use: Cold Water Fishes. There are no potable water supply intakes within 10 miles downstream. Application received: August 23, 2012. Permit issued: December 6, 2012.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118

54851601R5. Superior Coal Preparation Co-Op, LLC, (184 Schwenks Road, Hegins, PA 17938), renewal of an existing anthracite coal preparation plant operation in Hegins and Porter Townships, **Schuylkill County** 19.0 acres, receiving stream: Pine Creek Watershed. Application received: March 9, 2011. Renewal issued: December 6, 2012.

54851601GP104. Superior Coal Preparation Co-Op, LLC, (184 Schwenks Road, Hegins, PA 17938), NPDES General Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 54851601 in Hegins and Porter Townships, **Schuylkill County**, receiving stream: Pine Creek Watershed. Application received: September 7, 2011. Permit issued: December 6, 2012.

49871603R4. D. Dale Lenig, (883 Lower Road, Shamokin, PA 17872), renewal of an existing anthracite coal preparation plant operation in Little Mahanoy Township, **Northumberland County** affecting 2.1 acres, receiving stream: Mahanoy Creek Watershed. Application received: August 18, 2011. Renewal issued: December 7, 2012.

49871603GP104. D. Dale Lenig, (883 Lower Road, Shamokin, PA 17872), NPDES General Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 49871603 in Little Mahanoy Township, **Northumberland County**, receiving stream: Mahanoy Creek Watershed. Application received: July 3, 2012. Permit issued: December 7, 2012.

54663021R5. Reading Anthracite Company, (P. O. Box 1200, Pottsville, PA 17901), renewal of an existing anthracite surface mine and coal refuse reprocessing operation in New Castle Township, **Schuylkill County** affecting 693.0 acres, receiving stream: West Branch Schuylkill River. Application received: October 4, 2010. Renewal issued: December 7, 2012.

54663021GP104. Reading Anthracite Company, (P. O. Box 1200, Pottsville, PA 17901), NPDES General Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 54663021 in New Castle Township, **Schuylkill County**, receiving stream: West Branch Schuylkill River. Application received: December 21, 2011. Permit issued: December 7, 2012.

54-305-022GP12. Reading Anthracite Company, (P. O. Box 1200, Pottsville, PA 17901), general operating permit to operate a coal preparation plant on Surface Mining Permit No. 54663021 in New Castle Township, **Schuylkill County**. Application received: July 25, 2012. Permit issued: December 7, 2012.

40940203R3 and NPDES Permit No. PA0224731. Hudson Anthracite, Inc., (215 East Saylor Avenue, Laffin, PA 18702), renewal of an existing anthracite surface mine, coal refuse reprocessing, refuse disposal and preparation plant operation in Jenkins Township, **Luzerne County** affecting 174.1 acres, receiving stream: Susquehanna River. Application received: January 5, 2010. Renewal issued: December 10, 2012.

40900203R4. Northampton Fuel Supply Co., Inc., (1 Horwith Drive, Northampton, PA 18067), renewal of an existing anthracite coal refuse reprocessing operation in Newport Township, **Luzerne County** affecting 49.5 acres, receiving stream: Newport Creek. Application received: April 15, 2011. Renewal issued: December 10, 2012.

40900203GP104. Northampton Fuel Supply Co., Inc., (1 Horwith Drive, Northampton, PA 18067), NPDES General Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 40900203 in Newport Township, **Luzerne County**, receiving stream: Newport Creek. Application received: April 15, 2011. Permit issued: December 10, 2012.

Noncoal Applications Returned

Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191

10060304 and NPDES Permit No. PA0258181. Quality Aggregates, Inc. (4955 Steubenville Pike, Suite 245, Pittsburgh, PA 15205) Commencement, operation and restoration of a large industrial minerals mine in Marion Township, **Butler County** affecting 46.0 acres. Receiving streams: Three unnamed tributaries to Blacks Creek and Blacks Creek, one unnamed tributary to North Branch

Slippery Rock Creek. Application received: July 31, 2006. Application Withdrawn: December 3, 2012.

5380-10060304-E-1. Quality Aggregates, Inc. (4955 Steubenville Pike, Suite 245, Pittsburgh, PA 15205) Application for a stream encroachment to mine through 600 feet and reconstruct approximately 1,840 feet of unnamed tributary No. 2 to Blacks Creek in Marion Township, **Butler County**. Receiving streams: Three unnamed tributaries to Blacks Creek and Blacks Creek, one unnamed tributary to North Branch Slippery Rock Creek. Application received: July 31, 2006. Application Withdrawn: December 3, 2012.

5380-10060304-E-2. Quality Aggregates, Inc. (4955 Steubenville Pike, Suite 245, Pittsburgh, PA 15205) Application for a stream encroachment to mine through approximately 250 feet of unnamed tributary No. 3 to Blacks Creek in Marion Township, **Butler County**. Receiving streams: Three unnamed tributaries to Blacks Creek and Blacks Creek, one unnamed tributary to North Branch Slippery Rock Creek. Application received: July 31, 2006. Application Withdrawn: December 3, 2012.

5380-10060304-E-3. Quality Aggregates, Inc. (4955 Steubenville Pike, Suite 245, Pittsburgh, PA 15205) Application for a stream encroachment to mine through 200 feet of unnamed tributary No. 4 to Blacks Creek in Marion Township, **Butler County**. Receiving streams: Three unnamed tributaries to Blacks Creek and Blacks Creek, one unnamed tributary to North Branch Slippery Rock Creek. Application received: July 31, 2006. Application Withdrawn: December 3, 2012.

Noncoal Permits Actions

Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191

20050804. Del A. Pikula (1900 Myer Avenue, McKeesport, PA 15133) Transfer of an existing small industrial minerals mine from Joseph G. & M. Shirley Pikula in Cussewago Township, **Crawford County** affecting 5.0 acres. Receiving streams: Cussewago Creek. Application received: August 29, 2012. Permit Issued: December 4, 2012.

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200

08050805GP-104. T. G. Mountain Stone, (358 Loder Street, Sayre, PA 18840), hereby approves the Notice of Intent (NOI) submitted for coverage to discharge stormwater associated with NPDES permit to the following surface waters in Monroe Township, **Bradford County**. Receiving streams: Kent Run, Unnamed Tributary to South Branch Towanda Creek classified as Cold Water Fishes. Application received April 16, 2012. Permit issued: December 6, 2012.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118

64122501 and NPDES Permit No. PA0225240, Tim Kohrs, (1031 Bethany Turnpike, Honesdale, PA 18431), commencement, operation and restoration of a quarry operation and NPDES Permit for discharge of treated mine drainage in Texas Township, **Wayne County** affecting 10.0 acres, receiving stream: Indian Orchard Brook. Application received: December 28, 2011. Permit issued: December 6, 2012.

38870301C12 and NPDES Permit No. PA0595543. Pennsy Supply, Inc., (P. O. Box 3331, Harrisburg, PA 17105), correction to an existing quarry operation to revised the location of the underground portal and up-

dated monitoring requirements in Annville, North Annville, South Annville and North Londonderry Townships, **Lebanon County** affecting 1039.9 acres, receiving stream: Killinger and Quittaphilla Creeks. Application received: May 11, 2012. Correction issued: December 10, 2012.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

Actions on applications under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.

Blasting Permits Actions

Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, 724-925-5500

03124002. Ion Integrated Seismic Solutions (2104 City West Blvd, Suite 900, Houston, TX 77042-2837). Blasting activity permit for the Ground Hog 3D seismic explorations located in Manor, Bethel, etc. Townships, **Armstrong County**; Bell, Loyalhanna, etc. Townships, **Westmoreland County**; and Conemaugh Township, **Indiana County**. The duration of blasting is expected to last one year. Blasting permit issued: December 4, 2012.

26124002. CGGVeritas Land (US) Inc. (1198 Connessville Rd., Lemont Furnace, PA 15456). Blasting activity permit for the Dog Bone 3D seismic explorations located in Perry, German, etc. Townships, **Fayette County**; Rostraver, S. Huntingdon, etc. Townships, **Westmoreland County**; Centerville, etc. Townships, **Washington County**; and Cumberland, etc. Townships, **Greene County**. The duration of blasting is expected to last one year. Blasting permit issued: December 4, 2012.

Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191

20124004. Dynamic Drilling, LLC (10373 Taylor Hawks Road., Herron, MI 49744) Blasting activity permit for seismic exploration in Conneaut Township, **Crawford County**. This blasting activity permit expires on April 1, 2013. Permit Issued: December 4, 2012.

33124002. Geokinetics, Inc. (P. O. Box 44, Brockway, PA 15824) Blasting activity permit for seismic exploration in Washington & Snyder Townships, **Jefferson County**. This blasting activity permit expires on July 31, 2013. Permit Issued: December 4, 2012.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118

36124166. Abel Construction Co., Inc. (P. O. Box 476, Mountville, PA 17554), construction blasting for Norfolk Southern at Dillerville Yard Phase 2 West in Manheim Township and City of Lancaster, **Lancaster County** with an expiration date of August 30, 2013. Permit issued: December 4, 2012.

40124120. Hayduk Enterprises, Inc., (257 Riverside Drive, Factoryville, PA 18419), construction blasting for Susquehanna Roseland 500k V T Line in Exeter, Newton and Ransom Townships, **Luzerne** and **Lackawanna Counties** with an expiration date of December 14, 2014. Permit issued: December 4, 2012

46124116. MD Drilling & Blasting, Inc., (88 Goldledge Avenue, Suite 2, Auburn, NH 03032), construction blasting for Graterford Prison in Skippack Township,

Montgomery County with an expiration date of November 21, 2013. Permit issued: December 4, 2012.

38124128. Maine Drilling & Blasting, Inc., (P. O. Box 1140, Gardiner, ME 04345), construction blasting for Prescott Road Pump Station in Heidelberg Township, **Lebanon County** with an expiration date of December 3, 2013. Permit issued: December 6, 2012.

38124129. Keystone Blasting Service, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Annville United Christian Church in Annville Township, **Lebanon County** with an expiration date of January 30, 2013. Permit issued: December 6, 2012.

58124197. Brubacher Excavating, Inc., (P. O. Box 528, Bowmansville, PA 17507), construction blasting for Nota West Well in Franklin Township, **Susquehanna County** with an expiration date of December 1, 2013. Permit issued: December 6, 2012.

58124198. Brubacher Excavating, Inc., (P. O. Box 528, Bowmansville, PA 17507), construction blasting for Bolles South Well Pad in Franklin Township, **Susquehanna County** with an expiration date of December 1, 2013. Permit issued: December 6, 2012.

36124167. Keystone Blasting Service, (15 Hopeland Road, Lititz, PA 17543), construction blasting for David Smucker Manure Pit in Caernarvon Township, **Lancaster County** with an expiration date of March 30, 2013. Permit issued: December 7, 2012.

40124123. Explosive Services, Inc., (7 Pine Street, Bethany, PA 18431), construction blasting for Eckley Miners Village Sewage Treatment Plant in Foster Township, **Luzerne county** with an expiration date of December 6, 2013. Permit issued: December 10, 2012.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in

and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and The Clean Streams Law and Notice of Final Action for Certification under section 401 of the FWPCA.

Permits, Environmental Assessments and 401 Water Quality Certifications Issued:

WATER OBSTRUCTIONS AND ENCROACHMENTS

Southeast Region: Watershed Management Program Manager, 2 East Main Street, Norristown, PA 19401

E09-964. Paul Keller, 110 South Sugan Road, New Hope, PA 18938, New Hope Borough, **Bucks County**, ACOE Philadelphia District.

To construct and maintain a 6-inch sanitary sewer stream crossing, and a 15-inch diameter outfall structure in and along Aquetong Creek (EV).

The site is located at 110 South Sugan Road (Lambertville, PA, USGS Quadrangle; N: 11.2 inches; W: 6.2 inches).

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act [33 U.S.C.A. 1341(a)].

E09-965. Aqua PA, Inc., 762 W. Lancaster Avenue, Bryn Mawr, PA 19010-3489, Bryn Mawr, PA 19010-3489, Bristol Township, **Bucks County**, ACOE Philadelphia District.

To modify and maintain the existing water treatment facility located in and along the 100-year floodplain of the Delaware River.

The site is located at 400 Radcliffe Street (Bristol, PA, USGS quadrangle N: 17.5 inches; W: 14.1 inches).

Northeast Region: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-1915, Telephone 570-826-2511.

E48-416. Borough of Walnutport, 417 Lincoln Avenue, Walnutport, PA 18088. Borough of Walnutport, **Northampton County**, Army Corps of Engineers Philadelphia District.

To restore and maintain the Lehigh Canal, Lock 23, with work consisting of removing portions of the existing lock, removal of debris from the canal, excavation of the lock spillway area, construction of a new concrete spillway and restoration of the canal banks. The project is located on the west side of South Canal Street approximately 0.15 mile south of Main Street (Palmerton, PA Quadrangle Latitude: 40°45'4.9"; Longitude:-75°36'00.2"). Subbasin: 2C

E45-577. Jackson Township, P. O. Box 213 Reeders, PA 18352. Jackson, **Monroe County**, Army Corps of Engineers Philadelphia District.

To construct and maintain a stormwater outfall in the floodway of Kettle Creek (HQ-CWF-MF) consisting of a 29"x45" reinforced concrete pipe, concrete flared end section and a riprap apron. The project is located on the east side of Twin Pine Road at its intersection with Running Valley Road (Saylorsburg, PA Quadrangle Latitude: 40° 59' 04"; Longitude:-75° 18' 23") in Jackson Township, Monroe County. Subbasin: 1E

E40-732. Plymouth Township, 925 West Main Street Plymouth, PA 18651. Plymouth Township, **Luzerne County**, Army Corps of Engineers Baltimore District.

To place and maintain fill in the floodway fringe of Harvey's Creek (CWF, MF) for the purpose of constructing a secondary access road to the Tilbury Estates Development. The project is located immediately north of the intersection of East Poplar Street and Allen Street (Nanticoke, PA Quadrangle Latitude: 41° 13' 22.0"; Longitude:-76° 00' 48.7") in Plymouth Township, Luzerne County. Subbasin: 5B

E52-236. Delaware Valley School District, 258 Route 6 & 209 Milford, PA 18337. Westfall Township, **Pike County**, Army Corps of Engineers Philadelphia District.

To construct and maintain a stormwater outfall in the floodway of Rosetown Creek (HQ-CWF, MF) consisting of a 24-inch diameter smooth-lined corrugated polyethylene pipe, flared end section and rock outlet protection. The outfall is associated with the Delaware Valley High School Gym Addition. The project is located on the south side of Route 6 & 209 approximately 1 mile west of the Interstate-84, Exit 53 Interchange (Port Jervis South, NY-NJ-PA Quadrangle Latitude: 41° 20' 59"; Longitude:-74° 44' 08") in Westfall Township, Pike County. Subbasin: 1D

E40-728. Mobile Environmental Analytical, Inc., 1365 Ackerman Road, Bangor, PA 18013. Dallas Borough, **Luzerne County**, Army Corps of Engineers Baltimore District.

To construct and maintain a temporary utility bridge across Toby Creek (TSF, MF) consisting of a single 2"x 8" pressure treated wood beam spanning bank to bank having a 16-foot span and a 6.5-foot approximate underclearance and to construct and maintain a temporary water line crossing of Tobys Creek attached to the utility bridge consisting of a 4-inch diameter PVC conduit housing 1-inch diameter polypropylene tubing and a 3/8-inch diameter air line. The project is located on the north side of S.R. 0415 (Memorial Highway) approximately 300 feet west of its intersection with Machell Avenue (Kingston, PA Quadrangle Latitude: 41° 20' 11.3"; Longitude:-75° 57' 54.2"). Subbasin: 5B

Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone: 717.705.4802.

E06-679. PPL Electric Utilities Corporation, 344 South Poplar Street, Hazleton, Pennsylvania 18201-7199, in Lower Heidelberg, South Heidelberg, and Spring Townships, **Berks County**, ACOE Philadelphia District

To construct and maintain: 1) a temporary wetland crossing with dimensions of 16.0 feet wide by 72.0 feet long utilizing timber matting, temporarily affecting 0.025 acre of Exceptional Value (EV) Palustrine Emergent (PEM) wetland (Latitude: 40°20'19", Longitude:-

76°1.0'26.4"), 2) a temporary wetland crossing with dimensions of 16.0 feet wide by 213.0 feet long utilizing timber matting, temporarily affecting 0.075 acre of EV PEM wetland (Latitude: 40°20'19.3", Longitude: -76°1.0'22.4"), 3) a temporary wetland crossing with dimensions of 16.0 feet wide by 82.0 feet long utilizing timber matting, temporarily affecting 0.027 acre of EV PEM wetland (Latitude: 40°20'11.0", Longitude: -76°2.0'5.6"), 4) a temporary wetland crossing with dimensions of 16.0 feet wide by 1,115.0 feet long utilizing timber matting, temporarily affecting 0.409 acre of EV PEM wetland (Latitude: 40°20'9.2", Longitude: -76°2.0'15"), 5) a temporary wetland crossing with dimensions of 16.0 feet wide by 251.0 feet long utilizing timber matting, temporarily affecting 0.087 acre of EV PEM wetland (Latitude: 40°20'7.1", Longitude: -76°2.0'25.1"), 6) a temporary wetland crossing with dimensions of 16.0 feet wide by 1,382.0 feet long utilizing timber matting, temporarily affecting 0.508 acre of EV Palustrine Emergent/Scrub Shrub/Forested (PEM/SS/FO) wetland (Latitude: 40°20'2.8", Longitude: -76°2.0'42"), 7) a temporary wetland crossing with dimensions of 16.0 feet wide by 69.0 feet long utilizing timber matting, temporarily affecting 0.025 acre of EV PEM/SS/FO wetland (Latitude: 40°19'59.2", Longitude: -76°2.0'55"), 8) a temporary wetland crossing with dimensions of 16.0 feet wide by 56.0 feet long utilizing timber matting, temporarily affecting 0.020 acre of EV PEM/SS/FO wetland (Latitude: 40°19'57.7", Longitude: -76°2.0'58.2"), 9) a temporary wetland crossing with dimensions of 16.0 feet wide by 139.0 feet long utilizing timber matting, temporarily affecting 0.050 acre of EV PEM/SS/FO wetland (Latitude: 40°19'56.6", Longitude: -76°3.0'1.1"), 10) a temporary wetland crossing with dimensions of 16 feet wide by 109 feet long utilizing timber matting, temporarily affecting 0.040 acre of EV PEM/SS/FO wetland (Latitude: 40°19'54.1", Longitude: -76°3.0'7.9"), 11) a temporary wetland crossing with dimensions of 16.0 feet wide by 84.0 feet long utilizing timber matting, temporarily affecting 0.031 acre of EV PEM/SS/FO wetland (Latitude: 40°19'53", Longitude: -76°3.0'10.4"), and 12) a temporary wetland crossing with dimensions of 16.0 feet wide by 10.0 feet long utilizing timber matting, temporarily affecting 0.003 acre of EV PEM/SS/FO wetland (Latitude: 40°19'52.1", Longitude: -76°3.0'12.3"); all adjacent to the Little Cacoosing Creek (WWF, MF) for the purpose of replacing 21.0 wooden electric utility poles to maintain an existing aerial electric utility line in Lower Heidelberg, South Heidelberg, and Spring Townships, Berks County.

As part of the overall project, PPL Electric Utilities Corporation proposes to construct and maintain the following activities for which the requirement for a permit is waived in accordance with Pa. Code Title 25 Section 105.12(a)(3): 1) remove 19.0 single wooden aerial electric utility poles in EV PEM wetland, and 2) construct and maintain 19.0 single steel aerial electric utility poles in EV PEM wetland; all adjacent to Little Cacoosing Creek

(WWF, MF) in Lower Heidelberg, South Heidelberg, and Spring Townships, Berks County (Latitude: 40°20'19.0" to 40°19'52.1", Longitude: -76°1.0'26.4" to -76°3.0'12.3").

E22-584: Susquehanna Area Regional Airport Authority, One Terminal Drive, Middletown, Pennsylvania 17057, in Lower Swatara Township, **Dauphin County**, ACOE Baltimore District

To: 1) grade, stabilize, and maintain 190.0 linear feet of streambank along Stoner Run (WWF, MF), 2) remove 2,660.0 cubic yards of sediment from a palustrine emergent (PEM) wetland, impacting 1.1 acres of wetland, and 3) remove 613.0 linear feet of sanitary sewer line in the PEM; all for the purpose of providing additional flood storage capacity. The project is located 0.1 mile west of the intersection of Rosedale Avenue and West Harrisburg Pike in Lower Swatara Township, Dauphin County.

Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636

E17-465. Eagle Environmental II, LP, 354 Alexander Spring Road-Suite 3, Carlisle, PA 17105. Harmony Residual Waste Landfill and Leachate Transmission Line, Chest Township, **Clearfield County**, ACOE Baltimore District (Westover, PA Quadrangle Latitude: 40° 45'52.97"; Longitude: 78° 37' 58.21").

Eagle Environmental II LP proposes to construct, operate and maintain a residual waste landfill and leachate transmission line requiring wetland impacts for the landfill and two leachate transmission line crossings beneath Chest Creek and a wetland associated to an unnamed tributary to Chest Creek. Construction of the leachate transmission line shall be completed by directional drilling beneath the Chest Creek and open trenching through wetlands that results in temporary floodplain impacts for boring launch and wetland impacts for the trenching. The applicant shall construct 0.42-acre of replacement wetlands for mitigation of the 0.17-acre isolated wetland impacts incurred for construction of the landfill. The project is located along the northeastern right-of-way of SR 3006 approximately 4500-feet northwest of SR 3003 and SR 3006 intersection.

E17-478. Troutville Borough, 130 Grant Road, Troutville, PA 15866. Troutville Borough Public Wastewater Conveyance System in Brady Township and Troutville Borough, **Clearfield County**, ACOE Pittsburgh District (DuBois, PA Quadrangle Latitude: 41° 01' 29.00"; Longitude: 78° 47' 13").

Troutville Borough is seeking authorization to construct, operate and maintain 31,000-feet of 4-inch diameter pressure sanitary sewer to convey wastewater to a publicly owned wastewater treatment facility in Sykesville Borough, Jefferson County. Construction of the new sanitary sewer system in Brady Township and Troutville Borough, Clearfield County, requires the following three (3) streams and five (5) wetland encroachments:

| <i>Activity ID</i> | <i>Activity</i> | <i>Latitude</i> | <i>Longitude</i> | <i>Resource</i> | <i>Impact</i> |
|-------------------------|-----------------|-----------------|------------------|------------------------------|---------------|
| Wetland Crossing (E) | Pipeline | 41° 01' 55" | 78° 47' 58" | Wetland Poose Run | 90.0-feet |
| Stream Crossing (E) | Pipeline | 41° 01' 55" | 78° 47' 58" | Poose Run | 10.0-feet |
| Wetland Crossing (WE-F) | Pipeline | 41° 01' 15" | 78° 47' 37" | Wetland Tributary Beaver Run | 5-feet |

| <i>Activity ID</i> | <i>Activity</i> | <i>Latitude</i> | <i>Longitude</i> | <i>Resource</i> | <i>Impact</i> |
|----------------------------|-----------------|-----------------|------------------|---------------------------------|---------------|
| Stream Crossing (F) | Pipeline | 41° 01' 15" | 77° 47' 37" | Tributary Beaver Run | 5-feet |
| Wetland Crossing (WE-G) | Pipeline | 41° 01' 18" | 78° 47' 34" | Wetland Tributary Beaver Run | 185-feet |
| Stream Crossing (G) | Pipeline | 41° 01' 18" | 77° 47' 34" | Tributary Beaver Run | 5-feet |
| Wetland Crossing (GE-S) | Pipeline | 41° 01' 29" | 78° 47' 20" | Wetland Tributary Beaver Run | 75-feet |
| Wetland Crossing (GE-R) | Pipeline | 41° 01' 18" | 78° 47' 34" | Wetland Tributary Beaver Run | 185-feet |

All above listed sanitary sewer crossings of streams and wetlands shall be constructed by boring. Since sanitary sewer construction shall be bored at stream and wetland crossings, no permanent impacts will be incurred and mitigation shall not be required. The project is located along southern right-of-ways of SR 0410 in Troutville Borough and SR 4001 in Brady Township.

E41-636. Paul N. Urich, 412 Beaumont Circle, West Chester, PA 19380. P. Urich Elevated Floodway Foundation in Plunkett's Creek Township, **Lycoming County**, ACOE Baltimore District (Barbours, PA Quadrangle N: 41(23'16"; W: -76(5'16" inches).

To construct and maintain: 1) a 24-foot by 36-foot vacation home with a 10-foot by 34-foot attached covered porch and access staircase, built on eighteen, 18-inch diameter concrete piers with a finished first floor elevated 11 feet above the ground and a 6-inch concrete pad under the house and porch, 2) 100-foot long by 7-foot tall R-7 riprap on the left elevated flood bench stream bank, all of which is located in the left 100-year floodway of Loyalsock Creek on the island west of Lower Manor Road (Barbours, PA Quadrangle N: 41°23'16"; W: -76°05'16" inches) in Plunkett's Creek Township, Lycoming County. This permit was issued under Section 105.13(e) "Small Projects."

Southwest Region: Waterways and Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

E02-1660. South Fayette Conservation Group, 515 Millers Run Road, South Fayette Township, PA 15017, South Fayette Township, **Allegheny County**; ACOE Pittsburgh District

Applicant has been given consent to construct, and maintain a stream sealing project that will include installation of stream liners and/or injecting grout to restore stream flow in two stream channels. Two sections of Fishing Run (WWF) will be restored with a total length of 1,684 feet of temporary and permanent impacts. One section of UNT to Millers Run (WWF) will be restored with a total length of 965 feet of temporary and permanent impacts. The project is located near the intersection of PA 978 and Millers Run Road in South Fayette Township, Allegheny County. (Canonsburg, PA quadrangle; N: 19.5 inches, W: 8.7 inches; Latitude: 40° 21' 27"; Longitude: 80° 16' 16" and ending at USGS Canonsburg, PA quadrangle; N: 13.7", W: 0"; Latitude: 40° 19' 29"; Longitude: 80° 11' 15").

District Oil & Gas Operations: Eastern Oil & Gas District, 208 West Third Street, Suite 101, Williamsport, PA 17701

E0829-057: Chesapeake Appalachia, LLC, 101 North Main Street, Athens, PA 18810, Tuscarora Township, **Bradford County**, ACOE Baltimore District.

To construct, operate and maintain:

1. two 16 inch diameter temporary waterlines and a timber mat bridge impacting 23 linear feet of an unnamed tributary to Little Tuscarora Creek (CWF, MF) (Laceyville, PA Quadrangle Latitude: 41°41'11", Longitude:-76°10'31");

2. two 16 inch temporary waterlines and a timber mat bridge impacting 24 linear feet of an unnamed tributary to Little Tuscarora Creek (CWF, MF) and impacting 1,572 square feet of an adjacent Palustrine Emergent Wetland (Laceyville, PA Quadrangle, Latitude: 41°41'24", Longitude:-76°10'45");

3. two 16 inch temporary waterlines and a timber mat bridge impacting 1,466 square feet of a Palustrine Emergent Wetland (Laceyville, PA Quadrangle, Latitude: 41°41'30", Longitude:-76°10'58");

4. two 16 inch temporary waterlines and a timber mat bridge impacting 21 linear feet of Little Tuscarora Creek (CWF, MF) and impacting 353 square feet of an adjacent Palustrine Emergent Wetland (Laceyville, PA Quadrangle, Latitude: 41°41'34", Longitude:-76°11'30");

5. two 16 inch temporary waterlines and a timber mat bridge impacting 2,357 square feet of a Palustrine Emergent Wetland (Laceyville, PA Quadrangle, Latitude: 41°41'34", Longitude:-76°11'34");

6. two 16 inch diameter temporary waterlines and a timber mat bridge impacting 4 linear feet of an unnamed tributary to Little Tuscarora Creek (CWF, MF) (Laceyville, PA Quadrangle Latitude: 41°41'38", Longitude:-76°12'00");

7. two 16 inch temporary waterlines and a timber mat bridge impacting 843 square feet of a Palustrine Emergent Wetland (Laceyville, PA Quadrangle, Latitude: 41°41'44", Longitude:-76°12'15");

The project will result in 72 linear feet and 502 square feet of temporary stream impacts and 6,591 square feet (0.15 acre) of temporary PEM wetland impacts from temporary waterlines and timber mat bridge crossings all for the purpose of establishing a temporary water supply for Marcellus well development.

E0829-060: Chesapeake Appalachia, LLC, 101 North Main Street, Athens, PA 18810, Tuscarora Township, **Bradford County**, ACOE Baltimore District.

To construct, operate and maintain:

1. two 16 inch temporary waterlines and a timber mat bridge impacting 20 linear feet of Transue Creek (CWF,

MF) and impacting 4,478 square feet of an adjacent Palustrine Emergent Wetland and Palustrine Scrub-Shrub Wetland (Auburn Center, PA Quadrangle, Latitude: 41°40'18", Longitude:-76°07'00");

The project will result in 20 linear feet and 154 square feet of temporary stream impacts and 4,478 square feet (0.10 acre) of temporary PEM and PSS wetland impacts from temporary waterlines and timber mat bridge crossings all for the purpose of establishing a temporary water supply for Marcellus well development. This project is associated with permit application number E5829-038.

E5829-038: Chesapeake Appalachia, LLC, 101 North Main Street, Athens, PA 18810, Auburn Township, **Susquehanna County**, ACOE Baltimore District.

To construct, operate and maintain:

1. two 16 inch temporary waterlines and a timber mat bridge impacting 286 square feet of a Palustrine Emergent Wetland and Palustrine Scrub-Shrub (Auburn Center, PA Quadrangle, Latitude: 41°40'17", Longitude:-76°07'00");

2. two 16 inch diameter temporary waterlines and a timber mat bridge impacting 22 linear feet of an unnamed tributary to Transue Creek (CWF, MF) (Auburn Center, PA Quadrangle Latitude: 41°40'12", Longitude:-76°06'51");

3. two 16 inch diameter temporary waterlines and a timber mat bridge impacting 34 linear feet of an unnamed tributary to Transue Creek (CWF, MF) (Auburn Center, PA Quadrangle Latitude: 41°40'05", Longitude:-76°06'40");

The project will result in 56 linear feet and 237 square feet of temporary stream impacts and 286 square feet (0.01 acre) of temporary PEM and PSS wetland impacts from temporary waterlines and timber mat bridge crossings all for the purpose of establishing a temporary water supply for Marcellus well development. This project is associated with permit application number E0829-060.

E0829-054: Angelina Gathering Company, LLC, 2350 N. Sam Houston Parkway Houston, TX 77032, Herrick and Orwell Township, **Bradford County**, ACOE Baltimore District.

To construct, operate and maintain:

1. A 16 inch and a 12 inch diameter natural gas line, a 16 inch diameter water line and a timber mat bridge impacting 4,661 square feet of a Palustrine Emergent Wetland (PEM) (Rome, PA Quadrangle, Latitude: 41°49'21", Longitude:-76°17'05");

2. A 16 inch and a 12 inch diameter natural gas line, a 16 inch diameter water line and a timber mat bridge impacting 77 linear feet of an unnamed tributary to Cold Creek (WWF, MF) (Rome, PA Quadrangle, Latitude: 41°49'21", Longitude: -76°17'23");

3. A 16 inch and a 12 inch diameter natural gas line, a 16 inch diameter water line and a timber mat bridge impacting 7,972 square feet of a Palustrine Emergent Wetland (PEM) (Rome, PA Quadrangle, Latitude: 41°49'20", Longitude:-76°17'34");

4. A 16 inch and a 12 inch diameter natural gas line, a 16 inch diameter water line and a timber mat bridge impacting 1,742 square feet of a Palustrine Emergent Wetland (PEM) (Rome, PA Quadrangle, Latitude: 41°49'20", Longitude:-76°17'36");

The project will result in 78 linear feet and 312 square feet of temporary stream impacts, and 14,375 square feet

(0.33 acre) of temporary PEM wetland impacts all for the purpose of installing a natural gas pipeline and a water line with associated access roadways for Marcellus shale development.

E6629-013: PVR NEPA Gas Gathering, LLC, 100 Penn Tower Square, Suites 201 & 202, Williamsport, PA 17701, Nicholson Borough & Nicholson Township, **Wyoming County**, ACOE Baltimore District.

To construct, operate and maintain the Polovitch East to Jerauld 12-inch Extension Natural Gas Pipeline, which consists of one 12-inch, natural gas pipeline with associated temporary construction accesses, with impacts as follows:

1. 2,689 square feet of Palustrine Emergent (PEM) Wetlands via open cut trenching and temporary timber matting (Hop Bottom, PA Quadrangle, Latitude: N41°38'03.91", Longitude: W75°48'05.94");

2. 29 square feet of Palustrine Emergent (PEM) Wetlands via temporary timber matting (Hop Bottom, PA Quadrangle, Latitude: N41°38'08.66", Longitude: W75°47'39.67");

3. 43 square feet of Palustrine Emergent (PEM) Wetlands via temporary timber matting (Hop Bottom, PA Quadrangle, Latitude: N41°38'07.83", Longitude: W75°47'38.90");

4. 61.0 linear feet of Horton Creek (CWF, MF) via open cut trenching and temporary timber matting (Hop Bottom, PA Quadrangle, Latitude: N41°38'08.27", Longitude: W75°47'36.53");

5. 62.0 linear feet of a UNT to Horton Creek (CWF, MF) via open cut trenching and temporary timber matting (Hop Bottom, PA Quadrangle, Latitude: N41°38'05.37", Longitude: W75°47'31.94");

6. 60.0 linear feet of Martin Creek (CWF, MF) and 1,058 square feet of Palustrine Scrub/Shrub (PSS) Wetlands via Horizontal Directional Drilling (Hop Bottom, PA Quadrangle, Latitude: N41°37'58.40", Longitude: W75°46'55.91");

7. 40 square feet of Palustrine Emergent (PEM) Wetlands via temporary timber matting (Hop Bottom, PA Quadrangle, Latitude: N41°37'52.27", Longitude: W75°46'50.29");

8. 1,253 square feet of a Palustrine Open Water (POW) Wetlands via Horizontal Directional Drilling (Hop Bottom, PA Quadrangle, Latitude: N41°37'56.92", Longitude: W75°46'46.55");

9. 238 square feet of Palustrine Emergent (PEM) Wetlands via Horizontal Directional Drilling (Hop Bottom, PA Quadrangle, Latitude: N41°37'57.26", Longitude: W75°46'45.71");

10. 62.0 linear feet of a UNT to Tunkhannock Creek (CWF, MF) via open cut trenching and temporary timber matting (Hop Bottom, PA Quadrangle, Latitude: N41°37'56.84", Longitude: W75°46'12.63");

11. 147.0 linear feet of a UNT to Tunkhannock Creek (CWF, MF) via open cut trenching and temporary timber matting (Hop Bottom, PA Quadrangle, Latitude: N41°37'57.64", Longitude: W75°46'11.16");

12. 334 square feet of Palustrine Emergent (PEM) Wetlands via temporary timber matting (Hop Bottom, PA Quadrangle, Latitude: N41°37'58.51", Longitude: W75°46'08.94");

13. 74.0 linear feet of a UNT to Tunkhannock Creek (CWF, MF) and 522 square feet of Palustrine Scrub/Shrub

(PSS) Wetlands via open cut trenching and temporary timber matting (Hop Bottom, PA Quadrangle, Latitude: N41°38'13.34", Longitude: W75°45'59.48");

14. 1,445 square feet of Palustrine Scrub/Shrub (PSS) Wetlands via open cut trenching and temporary timber matting (Hop Bottom, PA Quadrangle, Latitude: N41°38'14.24", Longitude: W75°45'58.67"); and

15. 30.0 linear feet of a UNT to Willow Brook (CWF, MF) via temporary timber matting (Hop Bottom, PA Quadrangle, Latitude: N41°38'28.06", Longitude: W75°45'07.30").

The project will result in 496.0 linear feet of permanent stream impacts, 3,373 square feet (0.08 acre) of impacts to Palustrine Emergent (PEM) Wetlands, 3,025 square feet (0.07 acre) of impacts to Palustrine Scrub/Shrub (PSS) Wetlands, and 1,253 square feet (0.03 acre) of impacts to Palustrine Open Water (POW) Wetlands, all for the purpose of installing one 12-inch, natural gas pipeline with associated temporary construction accesses for the development of the Marcellus Shale.

E0829-053: Angelina Gathering Company, LLC, 2350 N. Sam Houston Parkway Houston, TX 77032, Stevens Township, **Bradford County**, ACOE Baltimore District.

To construct, operate and maintain:

1. A 16 inch and a 12 inch diameter natural gas line, a 16 inch diameter water line and a timber mat bridge impacting 11,805 square feet of a Palustrine Emergent Wetland (PEM) (Le Raysville, PA Quadrangle, Latitude: 41° 46'30", Longitude: -76° 10'38");

2. A 16 inch and a 12 inch diameter natural gas line, a 16 inch diameter water line and a timber mat bridge impacting 14,026 square feet of a Palustrine Emergent Wetland (PEM) (Le Raysville, PA Quadrangle, Latitude: 41° 46'34", Longitude: -76° 10'47");

3. A 16 inch and a 12 inch diameter natural gas line, a 16 inch diameter water line and a timber mat bridge impacting 1,176 square feet of a Palustrine Emergent Wetland (PEM) (Le Raysville, PA Quadrangle, Latitude: 41° 46'40", Longitude: -76° 10'55");

4. A 16 inch and a 12 inch diameter natural gas line, a 16 inch diameter water line and a timber mat bridge impacting 1,176 square feet of a Palustrine Emergent Wetland (PEM) (Le Raysville, PA Quadrangle, Latitude: 41° 46'38", Longitude: -76° 11'09");

5. A 16 inch and a 12 inch diameter natural gas line, a 16 inch diameter water line and a timber mat bridge impacting 77 linear feet of an unnamed tributary to Cold Creek (WWF, MF) and impacting 1,960 square feet of a Palustrine Emergent Wetland (Le Raysville, PA Quadrangle, Latitude: 41°46'32", Longitude:-76°11'25");

The project will result in 77 linear feet and 246 square feet of temporary stream impacts, and 30,144 square feet (0.69 acre) of temporary PEM wetland impacts all for the purpose of installing a natural gas pipeline and a water line with associated access roadways for Marcellus shale development.

E5929-031: SWEPI LP., 190 Thorn Hill Road, Warrendale, PA 15086, Sullivan Township, **Tioga County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) a temporary road crossing using a 20 foot long, 36 inch diameter corrugated metal pipe, a 10 inch diameter fresh waterline, an 8 inch diameter natural gas line, and a fiber optic cable impacting 197 linear feet an unnamed tributary to Corey Creek (CWF) (Roseville, PA Quadrangle 41°47'50"N 76°59'36"W);

2) a temporary road crossing using a wood mat bridge, a 10 inch diameter fresh waterline, an 8 inch diameter natural gas line, and a fiber optic cable impacting 1,280 square feet a palustrine emergent (PEM) wetland (Roseville, PA Quadrangle 41°47'51"N 76°59'40"W);

3) a temporary road crossing using a wood mat bridge, a 10 inch diameter fresh waterline, an 8 inch diameter natural gas line, and a fiber optic cable impacting 428 square feet a palustrine emergent (PEM) wetland (Roseville, PA Quadrangle 41°47'46"N 76°59'22"W);

4) a 10 inch diameter fresh waterline, an 8 inch diameter natural gas line, and a fiber optic cable impacting 860 square feet a palustrine emergent (PEM) wetland (Roseville, PA Quadrangle 41°47'46"N 76°58'59"W);

5) a temporary road crossing using wood mat bridges, a 10 inch diameter fresh waterline, an 8 inch diameter natural gas line, and a fiber optic cable impacting 29,829 square feet a palustrine emergent/scrub-shrub/forested (PEM/PSS/PFO) wetland (Roseville, PA Quadrangle 41°47'46"N 76°58'53"W).

The project will result in 197 linear feet of temporary stream impact, a total of 32,397 square feet (0.74 acre) of temporary wetland impacts, all for the purpose of installing a fresh waterline, a natural gas line, a fiber optic cable, and associated access roadways in Sullivan Township, Tioga County.

ENVIRONMENTAL ASSESSMENTS

Northcentral Region: Program Manager, Waterways & Wetlands Program, 208 West Third Street, Williamsport, PA 17701

EA18-004. Robbins Hollow 10A/10B Passive Abandoned Mine Drainage Treatment System, Robbins Road, Renovo, PA 17764. Trout Unlimited abandoned mine drainage abatement project along Robbins Hollow, Noyes Township, **Clinton County**, ACOE Baltimore District. The applicant proposes to construct a passive treatment system for the Robbins Hollow 10A and 10B acidic discharges from previous mining operations. The system, which is authorized under a restoration waiver, will consist of a small collection system, limestone bed and settling pond. The limestone bed is designed to settle and retain precipitated metals and discharge water with a pH of 6-7. The settling pond will discharge to the same roadside ditch that currently carries the flow. The channel that carries the discharge to Robbins Hollow will not be impacted. There will be two wetland impacts associated with the work:

| Activity | Latitude | Longitude | Resource | Impact |
|-----------------------------|-----------------|-----------------|-----------------------|------------|
| Construct AMD system | 41° 20' 15.6" N | 77° 51' 1.4" W | AMD kill zone wetland | 0.22 acre |
| Install AMD collection pipe | 41° 20' 15.8" N | 77° 50' 59.1" W | Wetland | <0.01 acre |

(Renovo West Quadrangle; Latitude 41° 54' 14.8" N; Longitude 77° 51' 1.4" W).

Central Office: Bureau of Waterways Engineering and Wetlands, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105

E4014-002. Borough of Ashley, 10 North Main Street, Ashley, PA 18706, Installation of Rectangular Concrete Channel on Sulfur Run, Ashley Borough, **Luzerne County**, USACOE Baltimore District.

This permit is requested to construct and maintain a concrete channel along an unnamed tributary to Solomon Creek, known locally as Sulfur Run. The flood protection project is known as the Installation of Rectangular Concrete Channel on Sulfur Run DGS 181-20 (DEP C40:12). The project area will be impacted during construction and a total of 0.49 acres below Ordinary High Water will be disturbed. Reference the USGS "WILKES-BARRE WEST" Quadrangle North 16.7 inches, West 3.5 inches. The following activities are associated with the construction of this project:

- Construct approximately 65 LF of trapezoidal grouted riprap channel.
- Construct approximately 225 LF of concrete open channel.
- Construct approximately 2,400 LF of precast concrete box culvert.

Anticipated construction time is 24 to 30 months.

E4014-005. Department of General Services, Bureau of Engineering and Architecture, 18th and Herr Streets, Harrisburg, PA 17125, Rehabilitation of Flood Protection Project, Borough of Duryea, **Luzerne County**, USACOE Baltimore District.

The applicant proposes to rehabilitate and maintain the Duryea Borough Flood Protection Project along approximately 1,100 linear feet (approximately 0.30 acre) of the Lackawanna River (CWF, MF). The rehabilitation work includes: 1) the construction and maintenance of 1003 feet of steel sheet pile wall, 2) the removal of approximately 180 cubic yards of earthen levee, 3) the installation and maintenance of two (2) drainage structures with Type 1 cast-in-place concrete inlet boxes with sluice gates, 24" reinforced concrete outlet pipe and 2 cast-in-place reinforced concrete outlet structures with flapgates, and 4) the repair and maintenance of approximately 5,000 square yards of existing riprap bank protection along 1,100 feet of the Lackawanna River. The project begins at the existing levee downstream of Stephenson Street (Pittston, PA Quadrangle, N: 18.8 inches, W: 2.3 inches, Latitude: 41° 21' 12.46"N, Longitude: 75° 45' 58.6"W) and extends downstream to just below the Holy Rosary Cemetery (Pittston, PA Quadrangle, N: 18.3 inches, W: 2.7 inches, Latitude: 41° 21' 4"N, Longitude: 75° 46' 8.7"W).

DAM SAFETY

Central Office: Bureau of Waterways Engineering and Wetlands, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105

D02-136. Ross Township, 1000 Ross Municipal Drive, Pittsburgh, PA 15237. To construct Cemetery Lane Storm Water Management Dam across an unnamed tributary to Girdys Run (WWF) for the purpose of creating a storm water management facility. The dam will be constructed of roller compacted concrete. The proposed dam will impact 185 lineal feet of stream. (Emsworth, PA Quadrangle N: 2.65 inches, W: 1.85 inches; Latitude: 40° 30' 52", Longitude: -80° 0' 40") Ross Township, **Allegheny County**.

EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control permits have been issued.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

Eastern Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701

ESCGP-1 # ESx09-115-0016 (02)

Applicant Name Williams Field Services Company, LLC
Contact Person Tom Page

Address 1605 Coraopolis Heights Road
City, State, Zip Moon Township, PA 15108
County Susquehanna County

Township(s) Brooklyn, Dimock, and Springville Townships

Receiving Stream(s) and Classification(s) Horton Creek, Meshoppen Creek, and UNTs to Horton and Meshoppen Creeks (CWF/MF)

ESCGP-1 # ESX12-081-0154

Applicant Name PVR Marcellus Gas Gathering, LLC
Contact Person Kevin Roberts

Address 100 Penn Tower, Suite 201-202, 25 W. Third Street

City, State, Zip Williamsport, PA 17701
County Bradford, Lycoming and Sullivan Counties
Township(s) Canton, McNett and Fox Townships

Receiving Stream(s) and Classification(s) Direct discharge and UNTs to Towanda Creek (CWF/MF), North Branch Rock Run (HQ-CWF/EV), Schrader Creek (EV/MF), Rock Run (HQ-CWF/EV)

ESCGP-1 # ESX12-113-0042

Applicant Name Chesapeake Appalachia, LLC
Contact Person Eric Haskins

Address 101 North Main Street
City, State, Zip Athens, PA 18810
County Sullivan County

Township(s) Cherry Township

Receiving Stream(s) and Classification(s) UNT to Bowman Creek (CWF);

Secondary: S. Branch Towanda Creek (CWF)

ESCGP-1 # ESX12-115-0205

Applicant Name WPX Energy Appalachia, LLC

Contact Person David Freudenrich
Address 6000 Town Center Blvd, Ste 300
City, State, Zip Canonsburg, PA 15317
County Susquehanna County
Township(s) Liberty Township
Receiving Stream(s) and Classification(s) UNT Snake
Creek, Rhiney Creek (CWF);
Secondary: Snake Creek (CWF)

ESCGP-1 # ESX12-015-0210
Applicant Name Angelina Gathering Company, LLC
Contact Person Danny Spaulding
Address 2350 N. Sam Houston Pkwy. E., Suite 125
City, State, Zip Houston, TX 77032
County Bradford County
Township(s) Orwell Township
Receiving Stream(s) and Classification(s) South Creek,
Johnson Creek (CWF/MF), Rummerfield Creek (WWF/
MF)

ESCGP-1 # ESX12-081-0158
Applicant Name EXCO Resources (PA), LLC
Contact Person Brian Rushe
Address 3000 Ericsson Drive, Suite 200
City, State, Zip Warrendale, PA 15086
County Lycoming County
Township(s) Penn Township
Receiving Stream(s) and Classification(s) UNT to Greg's
Run, Greg's Run (CWF/MF)

ESCGP-1 # ESX12-115-0183
Applicant Name Carrizo Marcellus, LLC
Contact Person Gary Byron
Address 251 Drain Lick Road, P. O. Box 231
City, State, Zip Drifting, PA 16834
County Susquehanna County
Township(s) Bridgewater Township
Receiving Stream(s) and Classification(s) UNT to Pettis
Creek (WWF), East Branch Wyalusing Creek

ESCGP-1 # ESX12-115-0204
Applicant Name Cabot Oil & Gas Corporation
Contact Person Kenneth Marcum
Address Five Penn Center West, Suite 401
City, State, Zip Pittsburgh, PA 15276
County Susquehanna County
Township(s) Lenox Township
Receiving Stream(s) and Classification(s) Willow Brook,
Martins Creek, UNT to Martins Creek (CWF)

ESCGP-1 # ESX12-081-0161
Applicant Name EXCO Resources (PA), LLC
Contact Person Gregg Stewart
Address 3000 Ericsson Drive, Suite 200
City, State, Zip Warrendale, PA 15086
County Lycoming County
Township(s) Franklin Township
Receiving Stream(s) and Classification(s) Little Muncy
Creek, Beaver Run (Both CWF/MF)

ESCGP-1 # ESX12-081-0159
Applicant Name EXCO Resources (PA), LLC
Contact Person Gregg Stewart
Address 3000 Ericsson Drive, Suite 200
City, State, Zip Warrendale, PA 15086
County Lycoming County
Township(s) Penn Township
Receiving Stream(s) and Classification(s) UNT to Beaver
Run/Beaver Run (CWF)

ESCGP-1 # ESX12-015-0215
Applicant Name Appalachia Midstream Services, LLC
Contact Person Greg Floerke
Address 100 1st Center

City, State, Zip Horseheads, NY 14845
County Bradford County
Township(s) Wilmot Township
Receiving Stream(s) and Classification(s) North Fork
Mehoopany Creek, UNT to North Fork Mehoopany
Creek, Foster Branch Sugar Run, Six UNTs to Foster
Branch Sugar Run (All CWF);
Secondary: Mehoopany Creek (HQ/CWF), Sugar Run
(CWF)

ESCGP-1 # ESX12-115-0201
Applicant Name Susquehanna Gathering Company 1,
LLC
Contact Person John Miller
Address P. O. Box 839, 1299 Oliver Road
City, State, Zip New Milford, PA 18834-0839
County Susquehanna County
Township(s) Jackson Township
Receiving Stream(s) and Classification(s) Drinker Creek,
Lewis Creek, Salt Lick Creek (All EV/CWF)

ESCGP-1 # ESX12-015-0211
Applicant Name EOG Resources, Inc.
Contact Person Greg Shaffer
Address 191 Beaver Drive
City, State, Zip Dubois, PA 15801
County Bradford County
Township(s) Springfield Township
Receiving Stream(s) and Classification(s) Mill Creek
(Other);
Secondary: Sugar Creek

ESCGP-1 # ESX12-081-0096 (01)
Applicant Name NFG Midstream Trout Run, LLC
Contact Person Duane Wassum
Address 6363 Main Street
City, State, Zip Williamsville, NY 14221
County Lycoming County
Township(s) McIntyre & Lewis Townships
Receiving Stream(s) and Classification(s) Grays Run,
Splash Dam Run, Bartoff Hollow, Darr Hollow, Trib
20652 to Lycoming Creek, Trib 20701 to Heylsum Run
(HQ);
Secondary: Lower Susquehanna Penns

ESCGP-1 # EX10-081-0104 (01)
Applicant Name EXCO Resources (PA), LLC
Contact Person Larry Sanders
Address 3000 Ericsson Drive, Suite 200
City, State, Zip Warrendale, PA 15086
County Lycoming County
Township(s) Penn Township
Receiving Stream(s) and Classification(s) Beaver Run,
UNT to Marsh Run (EV);
Secondary: Little Muncy Creek (EV)

ESCGP-1 # ESX12-081-0157
Applicant Name Atlas Resources, LLC
Contact Person Carla Suszkowski
Address 1000 Commerce Drive, 4th Floor
City, State, Zip Pittsburgh, PA 15275
County Lycoming County
Township(s) Gamble Township
Receiving Stream(s) and Classification(s) Miller Run,
UNTs to Miller Run, Murray Run, UNTs to Murray
Run, Mill Creek, UNTs to Mill Creek, West Branch
Murray Run, UNTs to West Branch Murray Run (All
EV)

ESCGP-1 # ESX12-115-0202
Applicant Name WPX Energy Marcellus Gathering, LLC
Contact Person Randall Reimold
Address 6000 Town Center Blvd, Suite 300

City, State, Zip Canonsburg, PA 15317
 County Susquehanna County
 Township(s) Liberty Township
 Receiving Stream(s) and Classification(s) UNT 31821 to
 Snake Creek (CWF/MF);
 Secondary: Snake Creek

ESCGP-1 # ESX12-115-0165
 Applicant Name Williams Field Services Company, LLC
 Contact Person John Quinlisk
 Address 1605 Coraopolis Heights Road
 City, State, Zip Moon Township, PA 15108-4310
 County Susquehanna County
 Township(s) Gibson Township
 Receiving Stream(s) and Classification(s) Rock Creek,
 Tunkhannock Creek, Tribs to Tunkhannock Creek, Bell
 Creek, Tribs to Bell Creek (HQ-Other)

ESCGP-1 # ESX12-115-0206
 Applicant Name Susquehanna Gathering Company, LLC
 Contact Person John Miller
 Address PO Box 839 1299 Oliver Road
 City, State, Zip New Milford, PA 18834-0839
 County Susquehanna County
 Township(s) Thompson Township
 Receiving Stream(s) and Classification(s) South Branch
 Canawacta Creek (CWF)

ESCGP-1 # ESX12-115-0203
 Applicant Name Cabot Oil & Gas Company
 Contact Person Kenneth Marcum
 Address Five Penn Center West, Suite 401
 City, State, Zip Pittsburgh, PA 15276
 County Susquehanna County
 Township(s) Springville Township
 Receiving Stream(s) and Classification(s) North Branch
 Meshoppen Creek, UNTs Meshoppen Creek, Thomas
 Creek (All CWF);
 Secondary: Meshoppen Creek (CWF)

ESCGP-1 # ESX12-115-0184
 Applicant Name Cabot Oil & Gas Corp
 Contact Person Kenneth Marcum
 Address Five Penn Center West, Suite 401
 City, State, Zip Pittsburgh, PA 15276
 County Susquehanna
 Township(s) Lathrop
 Receiving Stream(s) and Classification(s) Unnamed
 Tributaries to Horton Creek- CWF/MF
 Secondary: Tunkhannock Creek—TSF

ESCGP-1 # ESX12-115-0172
 Applicant Name Cabot Oil & Gas Corp
 Contact Person Kenneth Marcum
 Address Five Penn Center West, Suite 401
 City, State, Zip Pittsburgh, PA 15276
 County Susquehanna Township(s) Lenox
 Receiving Stream(s) and Classification(s) Unnamed
 Tributary Millard Creek—Other

ESCGP-1 # ESX12-081-0140
 Applicant Name EXCO Resources PA LLC
 Contact Person Brian Rushe
 Address 3000 Ericsson Drive, Ste 200
 City, State, Zip Warrendale, PA 15086
 County Lycoming
 Township(s) Penn
 Receiving Stream(s) and Classification(s) Big Run, Jakes
 Run, Derr Run—Other
 Secondary: Little Muncy Creek

ESCGP-1 # ESX12-115-0182
 Applicant Name Southwestern Energy Production Com-
 pany

Contact Person Mr. Dave Sweeley
 Address 917 State Route 92 North
 City, State, Zip Tunkhannock, PA 18657
 County Susquehanna
 Township(s) Jackson
 Receiving Stream(s) and Classification(s) UNT to Salt
 Lick Creek—HQ/CWF UNT to Lewis Creek—CWF
 Lewis Creek—CWF
 Secondary: Susquehanna River—WWF

ESCGP-1 # ESX12-115-0179
 Applicant Name WPX Energy Appalachia LLC
 Contact Person David Freudenrich
 Address 6000 Town Center Blvd, Ste 300
 City, State, Zip Canonsburg, PA 15317
 County Susquehanna
 Township(s) Franklin
 Receiving Stream(s) and Classification(s) UNT 31922 to
 Snake Creek—CWF UNT 31926 to Snake Creek—
 CWF
 Secondary: Susquehanna River

ESCGP-1 # ESX12-015-0201
 Applicant Name Chesapeake Appalachia LLC
 Contact Person Eric Haskins
 Address 101 N Main St
 City, State, Zip Athens, PA 18810
 County Bradford
 Township(s) Asylum
 Receiving Stream(s) and Classification(s) UNT to Durell
 Creek—WWF/MF
 Secondary: Susquehanna River—WWF/MF

ESCGP-1 # ESX12-035-0020
 Applicant Name Anadarko E&P Company LP
 Contact Person Nathan S Bennett
 Address 33 W Third St, Suite 200
 City, State, Zip Williamsport, PA 17701
 County Clinton
 Township(s) Noyes
 Receiving Stream(s) and Classification(s) UNT to Boggs
 Run—EV/MF
 Secondary: Botts Run—EV/MF

ESCGP-1 # ESX12-035-0021
 Applicant Name Anadarko E&P Company LP
 Contact Person Rane A Wilson
 Address 33 W Third St, Suite 200
 City, State, Zip Williamsport, PA 17701
 County Clinton
 Township(s) Grugan
 Receiving Stream(s) and Classification(s) UNT East
 Branch Hyner Run—HQ, CWF/MF Johnson Run—
 HQ, CWF/MF
 Secondary: East Branch Hyner Run—HQ, CWF/MF
 West Branch Susquehanna River—WWF

ESCGP-1 # ESX12-115-0167
 Applicant Name Cabot Oil & Gas Corp
 Contact Person Kenneth Marcum
 Address Five Penn Center West, Suite 401
 City, State, Zip Pittsburgh, PA 15276
 County Susquehanna
 Township(s) Lenox
 Receiving Stream(s) and Classification(s) Millard Creek—
 Other

*Southwest Region: Watershed Management Program
 Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-
 4745.*

*Fayette County Conservation District: 10 Nickman Plaza,
 Lemont furnace, PA 15456. (724-438-4497).*

| <i>ESCGP-1 No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|--|--|---------------|---------------------|-------------------------------------|
| 26-10-08-01 | Ronald Heuer Spectra Energy Transmission, LLC 5400 Westheimer County 5D-65 Houston, TX 77056 | Fayette | North Union Twp. | Unnamed tributary to Cove Run (WWF) |
| <hr/> | | | | |
| <i>Northwest Region: Oil and Gas Program Manager, 230 Chestnut St., Meadville, PA 16335</i> | | | | |
| ESCGP-1 #Meyer Pipeline Major Modification—ESX12-019-0139A | Applicant MarkWest Liberty Bluestone, LLC Contact Rick Lowry Address 601 Technology Drive, Suite 300 City Canonsburg State PA Zip Code 15317 County Butler Township(s) Jackson(s) Receiving Stream(s) and Classification(s) UNT to Breakneck Creek and Breakneck Creek—WWF, Connoquenessing Creek | | | |
| <i>Southwest Region: Oil & Gas Program Mgr. 400 Waterfront Dr. Pittsburgh PA</i> | | | | |
| 10/15/12 ESCGP-1 No.: ESX12-125-0059 MAJOR REVISION Applicant Name: MARKWEST LIBERTY MIDSTREAM & RESOURCES LLC Contact Person MR RICK LOWRY Address: 601 TECHNOLOGY DRIVE SUITE 300 City: CANONSBURG State: PA Zip Code: 15317 County: WASHINGTON Township: SMITH Receiving Stream (s) And Classifications: UNTs TO RACCOON CREEK (WWF), RACCOON CREEK (WWF), UNTs TO BURGETTS FORK (WWF), UNT TO CHERRY RUN (WWF)/RACCOON CREEK WATERSHED; OTHER | | | | |
| 10/9/12 ESCGP-1 No.: ESX12-125-0072 MAJOR REVISION Applicant Name: MARKWEST LIBERTY MIDSTREAM & RESOURCES LLC Contact Person: MR RICK LOWRY Address: 824 MORGANZA ROAD City: CANONSBURG State: PA Zip Code: 15317 County: WASHINGTON Township(s): ROBINSON AND SMITH Receiving Stream(s) and Classifications: LITTLE RACCOON RUN AND ROBINSON RUN (WARM WATER FISHES); OTHER | | | | |
| 5/21/12 ESCGP-1 No.: ESX10-125-0041 MAJOR REVISION Applicant Name: RICE DRILLING B LLC Contact Person: MR JOHN LAVELLE Address: 171 HILLPOINTE DRIVE SUITE 301 City: CANONSBURG State: PA Zip Code: 15317 County: WASHINGTON Township(s): AMWELL Receiving Stream(s) and Classifications: LITTLE TENMILE CREEK (TSF); OTHER | | | | |
| 5/21/12 ESCGP-1 No.: ESX10-125-0035 MAJOR REVISION Applicant Name: MR JOHN LAVELLE Contact Person: RICE DRILLING B LLC Address: 171 HILLPOINTE DRIVE SUITE 301 City: CANONSBURG State: PA Zip Code: 15317 County: WASHINGTON Township(s): AMWELL Receiving Stream(s) and Classifications: LITTLE TENMILE CREEK (TSF); OTHER | | | | |
| 11-7-12 ESCGP-1 No.: ESX12-059-0051 Applicant Name: VANTAGE ENERGY APPALACHIA LLC Contact Person: MR NICK MONGELLUZZO Address: 226 ELM DRIVE SUITE 102 City: WAYNESBURG State: PA Zip Code: 15370 COUNTY GREENE Township(s): JEFFERSON Receiving Stream(s) and Classifications: UNT TO SOUTH FORK TENMILE CREEK, UNT TO MUDDY CREEK; OTHER | | | | |
| 11/6/12 ESCGP-1 No.: ESX12-007-0017 Applicant Name: CHESAPEAKE APPALACHIA LLC Contact Person: MR ERIC W HASKINS Address: 101 NORTH MAIN STREET City: ATHENS State: PA Zip Code: 18810 County: BEAVER Township(s): SOUTH BEAVER Receiving Stream(s) and Classifications: BRUSH RUN AND MCELROY RUN; HQ; OTHER | | | | |
| 9/27/12 ESCGP-1 No.: ESX12-129-0020 Applicant Name: CHEVRON APPALACHIA LLC Contact Person: MR JEREMY HIRTZ Address: 800 MOUNTAIN VIEW DRIVE City: SMITHFIELD State: PA Zip Code 15478 County: WESTMORELAND Township(s): SOUTH HUNTINGDON Receiving Stream(s) and Classifications: UNT TO YOUGHIOGHENY RIVER, WWF/OHIO RIVER BASIN, WWF; OTHER | | | | |
| 9/4/12 ESCGP-1 No.: ESX12-007-0015 Applicant Name: CHESAPEAKE APPALACHIA LLC Contact Person: MR ERIC W HASKINS Address: 101 NORTH MAIN STREET City: ATHENS State: PA Zip Code: 18810 County: BEAVER Township(s): CHIPPEWA Receiving Stream(s) and Classifications: UNT TO NORTH BRANCH BRADY RUN—TSF | | | | |
| 4/16/12 ESCGP-1 No.: ESX12-005-0007 Applicant Name: EXCO RESOURCES (PA) LLC Contact Person: MR SCOTT SWEDER Address: 3000 ERICSSON DRIVE SUITE 200 City: WARRENDALE State: PA Zip Code: 15086 County: ARMSTRONG Township(s): RAYBURN Receiving Stream(s) and Classifications: UNT TO COWANSHANNOCK CREEK; OTHER | | | | |

OIL AND GAS MANAGEMENT

The following Well Permits have been issued with a waiver under 58 Pa.C.S. § 3215(b)(4) (relating to well location restrictions).

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). The appeal should be

send to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed which the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not in and of itself create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary to the Board at (717) 787-3483.

Northwest Region District Oil and Gas Operations, Program Manager, 230 Chestnut St., Meadville, PA 16335

Well Permit #: 015-21929-00-00
Well Farm Name Haralambous 03-074-04 G 4H
Applicant Name: Talisman Energy USA Inc.
Contact Person: Shane Gagliardi
Address: 50 Pennwood Place, Warrendale, PA 15086
County: Bradford

Municipality Columbia Township:
Name of Stream, Spring, Body of Water as identified on the most current 7 1/2 minute topographic quadrangle map of the United States Geologic Survey subject to the Section 3215(b)(4) waiver: Roseville

Well Permit #: 015-22359-00-00
Well Farm Name Carr S Bra 2H
Applicant Name: Chesapeake Appalachia LLC
Contact Person: Eric Haskins
Address: 101 North Main Street, Athens, PA 18810
County: Bradford

Municipality Wilnot Township
Name of Stream, Spring, Body of Water as identified on the most current 7 1/2 minute topographic quadrangle map of the United States Geologic Survey subject to the Section 3215(b)(4) waiver: Colley, Unnamed Tributary to Foster Branch Sugar Run which is a tributary to Sugar Run Creek

Well Permit #: 015-22342-00-00
Well Farm Name Duffield Bra 3H
Applicant Name: Chesapeake Appalachia LLC.
Contact Person: Eric Haskins
Address: 101 North Main Street, Athens, PA 18810
County: Bradford

Municipality Tuscarora Township:
Name of Stream, Spring, Body of Water as identified on the most current 7 1/2 minute topographic quadrangle map of the United States Geologic Survey subject to the Section 3215(b)(4) waiver: Laceyville, Mill Creek.

Well Permit #: 015-22384-00-00
Well Farm Name Bacorn Bra 5H
Applicant Name: Chesapeake Appalachia LLC
Contact Person: Eric Haskins
Address: 101 North Main Street, Athens, PA 18810
County: Bradford
Municipality Overton Township:

Name of Stream, Spring, Body of Water as identified on the most current 7 1/2 minute topographic quadrangle map of the United States Geologic Survey subject to the Section 3215(b)(4) waiver: Dushore, Unnamed tributary to Black Creek, which is tributary to Little Loyalsock Creek.

Southwest District Oil and Gas Operations, Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Well Permit #: 129-28828-00
Well Farm Name: Keller Unit 4H
Applicant Name: Penneco Oil Company
Contact Person: D. Marc Jacobs, Jr.
Address: 6608 US Route 22 Delmont, PA 15626-2408
County: Westmoreland
Municipality Name/City, Borough, Township: Upper Burrell Twp

Name of Stream, Spring, Body of Water as identified on the most current 7 1/2 minute topographic quadrangle map of the United States Geologic Survey subject to the Section 3215(b)(4) waiver: Tributary #42434 to Pucketa Creek

SPECIAL NOTICES

Water Obstruction and Encroachment Permit Application and 401 Water Quality Certification Request

California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100

CDO-003. Cumberland Coal Company, LP, 158 Portal Road, P. O. Box 1020, Waynesburg, PA 15370. Whiteley Creek Wetland Mitigation Project in Whiteley Township, **Greene County**, Pittsburgh ACOE District (Garards Fort, PA Quadrangle (Whiteley Creek) project area centroid N: 9.79 inches, W: 15.02 inches). The applicant proposes to mitigate a loss of wetlands within the Cumberland Mine permit boundary. This is a Chapter 105 Water Obstruction and Encroachment permit application and 401 Water Quality Certification request. In conjunction with this approval, the Department is granting 401 Water Quality Certification certifying that the approved activities will comply with the applicable provisions of sections 301—303, 306, and 307 of the Federal Water Pollution Control Act and will not violate applicable Federal and State water quality standards. Application received: February 13, 2012. Permit issued: December 5, 2012.

General NPDES Permit for Stormwater Discharges Associated with Construction Activities

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900

PAG2-2756-12-001, Earth Shapers, LLC, 266 Scout Dam Road, Ebensburg, PA 15931. General NPDES Permit for Stormwater Discharges Associated with Construction Activities on Flight 93 AMD Rehab Project in Stonycreek Township, **Somerset County**. Receiving stream: Lamberts Run classified for the following uses: cold water fishery. There are no potable water supplies located within 10 miles downstream. Notice of Intent for Coverage received: October 29, 2012. Coverage approved: December 5, 2012.

Request for Comments on the Proposed Total Maximum Daily Loads (TMDLs) Developed for the Limestone Run Watershed in Northumberland County and Montour County, Pennsylvania

The Department of Environmental Protection will accept comments on the proposed TMDLs developed for the

Limestone Run Watershed in Northumberland County and Montour County, PA. These TMDLs were established in accordance with the requirements of Section 303(d) of the Clean Water Act. The Pennsylvania Integrated Water Quality Monitoring and Assessment Report included impaired stream segments in this watershed. The listings of these waterbodies were due to use impairments caused by excessive siltation.

There currently are no state or federal instream numerical water quality criteria for siltation. Therefore, the Department utilized a reference watershed approach to

implement the applicable narrative criteria. These proposed TMDLs set allowable loadings of sediment in the Limestone Run Watershed. The sediment loading was allocated among cropland, hay/pasture land, transitional land and streambank categories present in the watershed. Data used in establishing these TMDLs was generated using a water quality analysis model (AVGWLF) designed by the Pennsylvania State University.

The following table shows the estimated current sediment loading for the watershed. Overall load reductions necessary in order to meet the TMDLs are also identified.

Summary of TMDL Based Load Reductions in the Limestone Run Watershed

| <i>Pollutant</i> | <i>Existing Load (lbs./yr.)</i> | <i>Existing Load (lbs./day)</i> | <i>TMDL (lbs./yr.)</i> | <i>TMDL (lbs./day)</i> | <i>Percent Reduction</i> |
|------------------|-------------------------------------|-------------------------------------|----------------------------|----------------------------|------------------------------|
| Sediment | 3,352,600 | 9,185 | 2,914,156 | 7,984 | 13.1 |

The data and all supporting documentation used to develop the proposed TMDLs are available from the Department. The proposed TMDLs and information on the TMDL program can be viewed on the Department's website (www.dep.state.pa.us/watermanagement_apps/tmdl/). To request a copy of any of the proposed TMDLs contact Scott Alexander, Water Program Specialist, Bureau of Point and Non-Point Source Management, Central Office, Pennsylvania Department of Environmental Protection, Rachel Carson State Office Building, Harrisburg, PA 17105, Phone: 717-772-5670, e-mail: salexander@pa.gov. The Department will consider all comments in developing the final TMDLs, which will be submitted to EPA for approval. Written comments will be accepted at the above address and must be postmarked by 30 days after publication in the *PA Bulletin*. A public meeting to discuss the technical merits of the TMDL will be held upon request.

[Pa.B. Doc. No. 12-2479. Filed for public inspection December 21, 2012, 9:00 a.m.]

Coal Mining Reclamation Fee Amount for 2013

The Department of Environmental Protection announces the amount of the Reclamation Fee for 2013. This notice is required by 25 Pa. Code § 86.17 (relating to permit and reclamation fees). Effective January 1, 2013, the Reclamation Fee for calendar year 2013 will be \$0. While the fee will not be assessed in 2013, the regulations require annual adjustments. The fee amount for subsequent years will be calculated in accordance with 25 Pa. Code § 86.17. Refer to this section of the regulations for further information about the process.

This is the result of calculations presented in a report that contains a financial analysis of the revenue and expenditures from the account for Fiscal Year 2011-2012 and provides projections for FY 2012-2013. The report was reviewed with the Mining and Reclamation Advisory Board on October 25, 2012.

The report is available at the following web site address www.portal.state.pa.us/portal/server.pt/community/reports/20866.

MICHAEL L. KRANCER,
Secretary

[Pa.B. Doc. No. 12-2480. Filed for public inspection December 21, 2012, 9:00 a.m.]

exception to the requirements of 28 Pa. Code § 103.31 (relating to the chief executive officer).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

MICHAEL WOLF,
Acting Secretary

[Pa.B. Doc. No. 12-2481. Filed for public inspection December 21, 2012, 9:00 a.m.]

DEPARTMENT OF HEALTH

Application of Allegheny General Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Allegheny General Hospital has requested an

Application of American Access Care of South Philadelphia for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that American Access Care of South Philadelphia

has requested an exception to the requirements of 28 Pa. Code § 571.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exemption from the following standards contained in this publication: 3.1-3.6.7.2, 3.7-3.4.2.1(5)(a), 3.7-7.2.2.1 and 3.7-7.2.2.3(1)(b).

This facility is also requesting exception to 28 Pa. Code § 551.21(d)(1) and (3) (relating to criteria for ambulatory surgery).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,
Acting Secretary

[Pa.B. Doc. No. 12-2482. Filed for public inspection December 21, 2012, 9:00 a.m.]

Application of Canonsburg General Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Canonsburg General Hospital has requested an exception to the requirements of 28 Pa. Code § 103.31 (relating to the chief executive officer).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or

hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

MICHAEL WOLF,
Acting Secretary

[Pa.B. Doc. No. 12-2483. Filed for public inspection December 21, 2012, 9:00 a.m.]

Application of Children's Surgery Center of Malvern, LLC for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Children's Surgery Center of Malvern, LLC has requested an exception to the requirements of 28 Pa. Code § 551.21 (relating to criteria for ambulatory surgery).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

MICHAEL WOLF,
Acting Secretary

[Pa.B. Doc. No. 12-2484. Filed for public inspection December 21, 2012, 9:00 a.m.]

Application of The Crozer Keystone Surgery Center at Brinton Lake for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that The Crozer Keystone Surgery Center at Brinton Lake has requested an exception to the requirements of 28 Pa. Code § 551.21 (relating to criteria for ambulatory surgery).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be

reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

MICHAEL WOLF,
Acting Secretary

[Pa.B. Doc. No. 12-2485. Filed for public inspection December 21, 2012, 9:00 a.m.]

Application of East Stroudsburg Ambulatory Surgery Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that East Stroudsburg Ambulatory Surgery Center has requested an exception to the requirements of 28 Pa. Code § 551.21 (relating to criteria for ambulatory surgery).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

MICHAEL WOLF,
Acting Secretary

[Pa.B. Doc. No. 12-2486. Filed for public inspection December 21, 2012, 9:00 a.m.]

Application of Einstein Montgomery Surgery Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Einstein Montgomery Surgery Center has requested an exception to the requirements of 28 Pa. Code § 571.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exemption from the following standards contained in this publication: 3.7-3.4.2.1(5)(a),

3.7-3.4.2.2(1)(a) and 3.7-3.8.1.1(1) (relating to pediatric recovery stations; post-anesthesia recovery positions; and outpatient surgery change area).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,
Acting Secretary

[Pa.B. Doc. No. 12-2487. Filed for public inspection December 21, 2012, 9:00 a.m.]

Application for Exception to 28 Pa. Code § 569.35

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that the following facilities have requested an exception to the requirement of 28 Pa. Code § 569.35 (relating to general safety precautions):

American Access Care of South Philadelphia
Einstein Montgomery Surgery Center
Mt. Lebanon Surgical Center

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

The facilities are requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

MICHAEL WOLF,
Acting Secretary

[Pa.B. Doc. No. 12-2488. Filed for public inspection December 21, 2012, 9:00 a.m.]

Application of Geisinger Medical Center—Danville for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Geisinger Medical Center—Danville has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 2.2-3.5.6.2 and 2.2-3.5.7.1 (relating to patient prep, holding and recovery; and staff clothing).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,
Acting Secretary

[Pa.B. Doc. No. 12-2489. Filed for public inspection December 21, 2012, 9:00 a.m.]

Application of Geisinger Wyoming Valley Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Geisinger Wyoming Valley Medical Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 2.2-3.6.3.4 (relating to patient prep, holding and recovery area).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,
Acting Secretary

[Pa.B. Doc. No. 12-2490. Filed for public inspection December 21, 2012, 9:00 a.m.]

Application of Highlands Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Highlands Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 2.5-2.2.2.4 and 2.5-2.2.2.6(3) (relating to patient privacy; and hand washing station).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,
Acting Secretary

[Pa.B. Doc. No. 12-2491. Filed for public inspection December 21, 2012, 9:00 a.m.]

Application of Magee—Womens Hospital of UPMC for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Magee—Womens Hospital of UPMC has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the

following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 2.2-2.12.6.4 and 2.2-2.12.6.5 (relating to soiled holding; and environmental services room).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,
Acting Secretary

[Pa.B. Doc. No. 12-2492. Filed for public inspection December 21, 2012, 9:00 a.m.]

Application of Pine Grove Ambulatory Surgical Center, LLC for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Pine Grove Ambulatory Surgical Center, LLC has requested an exception to the requirements of 28 Pa. Code § 555.32(2) (relating to administration of anesthesia).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

MICHAEL WOLF,
Acting Secretary

[Pa.B. Doc. No. 12-2493. Filed for public inspection December 21, 2012, 9:00 a.m.]

Application of Pinnacle Health at Harrisburg Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Pinnacle Health at Harrisburg Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 2.2-2.6.2.3, 2.2-2.6.2.4 and 2.2-3.3.3.3(2) (relating to windows; patient privacy; and direct access).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,
Acting Secretary

[Pa.B. Doc. No. 12-2494. Filed for public inspection December 21, 2012, 9:00 a.m.]

Application of St. Joseph Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that St. Joseph Medical Center has requested an exception to the requirements of 28 Pa. Code § 127.32 (relating to written orders).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and

require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

MICHAEL WOLF,
Acting Secretary

[Pa.B. Doc. No. 12-2495. Filed for public inspection December 21, 2012, 9:00 a.m.]

Application of UPMC Bedford for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that UPMC Bedford has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 3.1-3.2.2.2(2), 3.1-7.2.2.1, 3.6-3.2.5 and 3.6-3.6.10.1.

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,
Acting Secretary

[Pa.B. Doc. No. 12-2496. Filed for public inspection December 21, 2012, 9:00 a.m.]

Application of Warren General Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Warren General Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 2.1-3.2.2.3(2) (relating to hand washing stations).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,
Acting Secretary

[Pa.B. Doc. No. 12-2497. Filed for public inspection December 21, 2012, 9:00 a.m.]

Application of Williamsport Regional Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Williamsport Regional Medical Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 2.2-2.6.2.2(1) and (2), 2.2-2.13.4.2, 2.2-2.13.5, 2.2-2.13.6 and 2.2-2.13.6.2(1).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,
Acting Secretary

[Pa.B. Doc. No. 12-2498. Filed for public inspection December 21, 2012, 9:00 a.m.]

Correction to Amendments to Charges for Medical Records

Because of an inadvertent error in the notice published at 42 Pa.B. 7348 (December 1, 2012), the Department of Health (Department) is reprinting the document in its entirety to correct the listing of fees and ensure accuracy of the information contained in this document.

Under 42 Pa.C.S. §§ 6152 and 6155 (relating to subpoena of records; and rights of patients), the Secretary of Health (Secretary) is directed to adjust annually the amounts which may be charged by a health care facility or health care provider upon receipt of a request or subpoena for production of medical charts or records. These charges apply to any request for a copy of a medical chart or record except as follows:

(1) Flat fees (as listed in this notice) apply to amounts that may be charged by a health care facility or health care provider when copying medical charges or records either: (a) for the purpose of supporting any claim or appeal under the Social Security Act or any Federal or State financial needs based program; or (b) for a district attorney.

(2) An insurer shall not be required to pay for copies of medical records required to validate medical services for which reimbursement is sought under an insurance contract, except as provided in: (a) the Workers' Compensation Act (77 P.S. §§ 1—1041.1 and 2501—2506) and the regulations promulgated thereunder; (b) 75 Pa.C.S. Chapter 17 (relating to Motor Vehicle Financial Responsibility Law) and the regulations promulgated thereunder; or (c) a contract between an insurer and any other party.

The charges listed in this notice do not apply to an X-ray film or any other portion of a medical record which is not susceptible to photostatic reproduction.

Under 42 Pa.C.S. § 6152.1 (relating to limit on charges), the Secretary is directed to make a similar adjustment to the flat fee which may be charged by a health care facility or health care provider for the expense of reproducing medical charts or records where the request is: (1) for the purpose of supporting a claim or appeal under the Social Security Act or any Federal or State financial needs based benefit program; or (2) made by a district attorney.

The Secretary is directed to base these adjustments on the most recent changes in the Consumer Price Index reported annually by the Bureau of Labor Statistics of the United States Department of Labor. For the annual period of October 31, 2011, through October 31, 2012, the Consumer Price Index was 2.2%.

Accordingly, the Secretary provides notice that, effective January 1, 2013, the following fees may be charged by a health care facility or health care provider for production of records in response to subpoena or request:

| | <i>Not to Exceed</i> |
|---|----------------------|
| Amount charged per page for pages 1—20 | \$1.42 |
| Amount charged per page for pages 21—60 | \$1.05 |
| Amount charged per page for pages 61—end | \$.35 |
| Amount charged per page for microfilm copies | \$2.09 |
| Flat fee for production of records to support any claim under Social Security or any Federal or State financial needs based program | \$26.70 |

Flat fee for supplying records requested by a district attorney \$21.08

* Search and retrieval of records \$21.08

The fees listed previously shall apply for paper copies or reproductions on electronic media whether the records are stored on paper or in electronic format.

In addition to the amounts listed previously, charges may also be assessed for the actual cost of postage, shipping and delivery of the requested records.

The Department is not authorized to enforce these charges.

Questions or inquiries concerning this notice should be sent to James T. Steele, Jr., Deputy Chief Counsel, Room 825, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120, (717) 783-2500.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotape, Braille) should contact James T. Steele, Jr. at the address or phone number listed previously, or for speech and or hearing impaired persons V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

*Note: Federal regulations enacted under the Health Insurance Portability and Accountability Act at 45 CFR Parts 160—164 state that covered entities may charge a reasonable cost based fee that includes only the cost of copying, postage and summarizing the information (if the individual has agreed to receive a summary) when providing individuals access to their medical records. The Department of Health and Human Services has stated that the fees may not include costs associated with searching for and retrieving the requested information. For further clarification on this issue, inquiries should be directed to the Office of Civil Rights, United States Department of Health and Human Services, 200 Independence Avenue, S.W., Room 509F, HHH Building, Washington, D.C. 20201, (866) 627-7748, <http://www.hhs.gov/ocr/hipaa>.

MICHAEL WOLF,
Acting Secretary

[Pa.B. Doc. No. 12-2499. Filed for public inspection December 21, 2012, 9:00 a.m.]

Special Supplemental Nutrition Program for Women, Infants and Children (WIC Program); Maximum Allowable Prices and Competitive Prices

Maximum Allowable Prices and Competitive Prices for Type 1 Stores in Regular Cost Counties

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) (relating to selection criteria for authorization and reauthorization; and terms and conditions of participation) and 7 CFR 246.12 (relating to food delivery systems), the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 1 Stores in Regular Cost Counties.

Maximum Allowable Prices

Effective January 1, 2013, through March 31, 2013, the Maximum Allowable Prices the Department of Health

(Department) will pay Type 1 Stores in Regular Cost Counties for WIC allowable foods are as follows:

| <i>Description</i> | <i>Maximum Allowable Price</i> |
|--|--------------------------------|
| Beans, Canned—15.5/16 oz. | \$1.33 |
| Beans/Peas—Dry—16 oz. | \$2.18 |
| Canned Fish—Pink Salmon | \$2.50 |
| Canned Fish—Sardines | \$1.61 |
| Canned Fish—Tuna | \$1.28 |
| Cereal (per oz.) | \$0.32 |
| Cheese, 16 oz. | \$7.26 |
| Eggs | \$2.16 |
| Gerber Infant Cereal—8 oz. | \$2.16 |
| Infant Fruits, 100%—4 oz. | \$0.65 |
| Infant Vegetables, 100%—4 oz. | \$0.65 |
| Infant Meats, 100%—2.5 oz. | \$1.00 |
| Juice—11.5/12 oz. | \$2.36 |
| Juice—48 oz. | \$3.04 |
| Juice—64 oz. | \$3.97 |
| Kosher Cheese—16 oz. | \$8.58 |
| Kosher Low Fat Milk—quart | \$1.70 |
| Kosher Low Fat Milk—1/2 gallon | \$3.25 |
| Kosher Whole Milk—quart | \$1.72 |
| Kosher Whole Milk—1/2 gallon | \$3.33 |
| Milk, Dry—9.6 oz. | \$4.38 |
| Milk, Dry—25.6 oz. | \$9.41 |
| Milk, Evaporated—12 oz. | \$1.43 |
| Milk, Low Fat—quart | \$1.44 |
| Milk, Low Fat—1/2 gallon | \$2.67 |
| Milk, Low Fat Lactose Free—quart | \$2.49 |
| Milk, Low Fat Lactose Free—1/2 gallon | \$4.08 |
| Milk, Whole—quart | \$1.45 |
| Milk, Whole—1/2 gallon | \$2.69 |
| Milk, Whole Lactose Free—quart | \$2.51 |
| Milk, Whole Lactose Free—1/2 gallon | \$4.11 |
| Peanut Butter—18 oz. | \$3.43 |
| Soy Beverage—Pacific Natural Foods 32 oz. | \$3.49 |
| Soy Beverage—8th Continent 64 oz. | \$3.27 |
| Tofu—16 oz. | \$2.62 |
| Whole Grain—Bread, 16 oz. | \$3.71 |
| Whole Grain—Bread, 24 oz. | \$4.04 |
| Whole Grain—Brown Rice, 16 oz. | \$2.14 |
| Whole Grain—Brown Rice, 24 oz. | \$3.67 |
| Whole Grain—Oats, 16 oz. | \$2.85 |
| Whole Grain—Oats, 24 oz. | \$5.54 |
| Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz. | \$2.54 |
| Boost RTF Formula—8 oz. | \$2.12 |
| EnfaCare RTF Formula—32 oz. | \$7.27 |
| EnfaCare w/Iron Powder Formula—12.8 oz. | \$15.51 |
| Enfamil Premium Infant Concentrate Formula—13 oz. | \$4.60 |
| Enfamil Premium Infant RTF Formula—32 oz. .. | \$6.88 |
| Enfamil Premium Infant Powder Formula—12.5 oz. | \$15.01 |
| Good Start Gentle Concentrate—Orange Formula—12.1 oz. | \$4.78 |
| Good Start Gentle RTF—Orange Formula—4-count, 8.45 oz. (33.8 oz.) | \$6.98 |
| Good Start Gentle Powder—Orange Formula—12.7 oz. | \$15.22 |
| Good Start Soothe Powder—Purple Formula—12.4 oz. | \$16.11 |
| Good Start Soy Concentrate—Blue Formula—12.1 oz. | \$4.90 |
| Good Start Soy RTF—Blue Formula—4-count, 8.45 oz. (33.8 oz.) | \$6.96 |

| <i>Description</i> | <i>Maximum Allowable Price</i> |
|---|--------------------------------|
| Good Start Soy Powder—Blue Formula—12.9 oz. | \$16.11 |
| Good Start Gerber Graduate Soy Powder Formula—24 oz. | \$22.32 |
| Good Start Gerber Graduate Gentle Powder Formula—22 oz. | \$23.15 |
| Good Start Gerber Graduate Protect Powder Formula—22 oz. | \$24.74 |
| Good Start Protect Powder Formula—12.4 oz. ... | \$15.66 |
| Nutramigen Concentrate Formula—13 oz. | \$7.22 |
| Nutramigen RTF Formula—32 oz. | \$9.20 |
| Nutramigen w/Enflora Powder Formula—12.6 oz. | \$23.93 |
| Pediasure RTF Formula—8 oz. | \$1.93 |
| Pediasure w/Fiber RTF Formula—8 oz. | \$1.92 |
| Pediasure Sidekicks RTF Formula—8 oz. | \$2.28 |
| Similac Advance Concentrate Formula—13 oz. ... | \$4.75 |
| Similac Advance RTF Formula—32 oz. | \$6.93 |
| Similac Advance w/Iron Powder Formula—12.4 oz. | \$15.10 |
| Similac Expert Care Alimentum RTF Formula—32 oz. | \$9.14 |
| Similac Expert Care Alimentum Powder Formula—16 oz. | \$27.25 |
| Similac Expert Care for Diarrhea RTF Formula—32 oz. | \$6.97 |
| Similac Expert Care NeoSure RTF Formula—32 oz. | \$7.58 |
| Similac Expert Care NeoSure Powder Formula—13.1 oz. | \$15.84 |
| Store Brand Milk Based Concentrate Formula—13 oz. | \$3.67 |
| Store Brand Milk Based RTF Formula—32 oz. .. | \$5.37 |
| Store Brand Milk Based Powder Formula—25.75 oz. | \$16.13 |

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2 (relating to price adjustment).

Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective January 1, 2013, through March 31, 2013, the Competitive Prices for WIC Authorization for Type 1 Stores in Regular Cost Counties are as follows:

| <i>Description</i> | <i>Competitive Prices</i> |
|------------------------------------|---------------------------|
| Beans, Canned—15.5/16 oz. | \$1.23 |
| Beans/Peas—Dry—16 oz. | \$2.00 |
| Canned Fish—Pink Salmon | \$2.45 |
| Canned Fish—Sardines | \$1.51 |
| Canned Fish—Tuna | \$1.14 |
| Cereal (per oz.) | \$0.30 |
| Cheese, 16 oz. | \$6.02 |
| Eggs | \$2.06 |
| Gerber Infant Cereal—8 oz. | \$2.16 |
| Infant Fruits, 100%—4 oz. | \$0.64 |
| Infant Vegetables, 100%—4 oz. | \$0.64 |
| Infant Meats, 100%—2.5 oz. | \$0.95 |
| Juice—11.5/12 oz. | \$2.26 |

| <i>Description</i> | <i>Competitive Prices</i> |
|--|-------------------------------|
| Juice—48 oz. | \$2.94 |
| Juice—64 oz. | \$3.62 |
| Kosher Cheese—16 oz. | \$8.00 |
| Kosher Low Fat Milk—1/2 gallon | \$3.07 |
| Kosher Whole Milk—1/2 gallon | \$3.16 |
| Milk, Low Fat—1/2 gallon | \$2.51 |
| Milk, Whole—1/2 gallon | \$2.56 |
| Peanut Butter—18 oz. | \$3.33 |
| Whole Grain—Bread, 16 oz. | \$3.58 |
| Whole Grain—Brown Rice, 16 oz. | \$2.08 |
| Whole Grain—Oats, 16 oz. | \$2.62 |
| Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz. | \$2.48 |
| Good Start Gentle Concentrate—Orange Formula—12.1 oz. | \$4.78 |
| Good Start Gentle Powder—Orange Formula— 12.7 oz. | \$15.22 |
| Good Start Soy Concentrate—Blue Formula— 12.1 oz. | \$4.90 |
| Good Start Soy Powder—Blue Formula— 12.9 oz. | \$16.11 |

**Maximum Allowable Prices and Competitive Prices
for Type 2 Stores in Regular Cost Counties**

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 2 Stores in Regular Cost Counties.

Maximum Allowable Prices

Effective January 1, 2013, through March 31, 2013, the Maximum Allowable Prices the Department will pay Type 2 Stores in Regular Cost Counties for WIC allowable foods are as follows:

| <i>Description</i> | <i>Maximum Allowable Price</i> |
|--|--|
| Beans, Canned—15.5/16 oz. | \$1.38 |
| Beans/Peas—Dry—16 oz. | \$2.23 |
| Canned Fish—Pink Salmon | \$2.58 |
| Canned Fish—Sardines | \$1.69 |
| Canned Fish—Tuna | \$1.39 |
| Cereal (per oz.) | \$0.33 |
| Cheese, 16 oz. | \$7.26 |
| Eggs | \$2.16 |
| Gerber Infant Cereal—8 oz. | \$2.30 |
| Infant Fruits, 100%—4 oz. | \$0.77 |
| Infant Vegetables, 100%—4 oz. | \$0.77 |
| Infant Meats, 100%—2.5 oz. | \$1.09 |
| Juice—11.5/12 oz. | \$2.56 |
| Juice—48 oz. | \$3.18 |
| Juice—64 oz. | \$4.21 |
| Kosher Cheese—16 oz. | \$8.58 |
| Kosher Low Fat Milk—quart | \$1.70 |
| Kosher Low Fat Milk—1/2 gallon | \$3.25 |
| Kosher Whole Milk—quart | \$1.72 |
| Kosher Whole Milk—1/2 gallon | \$3.33 |
| Milk, Dry—9.6 oz. | \$4.55 |
| Milk, Dry—25.6 oz. | \$9.57 |
| Milk, Evaporated—12 oz. | \$1.53 |
| Milk, Low Fat—quart | \$1.44 |
| Milk, Low Fat—1/2 gallon | \$2.67 |
| Milk, Low Fat Lactose Free—quart | \$2.54 |
| Milk, Low Fat Lactose Free—1/2 gallon | \$4.44 |
| Milk, Whole—quart | \$1.45 |
| Milk, Whole—1/2 gallon | \$2.69 |

| <i>Description</i> | <i>Maximum Allowable Price</i> |
|---|--|
| Milk, Whole Lactose Free—quart | \$2.55 |
| Milk, Whole Lactose Free—1/2 gallon | \$4.47 |
| Peanut Butter—18 oz. | \$3.46 |
| Soy Beverage—Pacific Natural Foods 32 oz. | \$3.69 |
| Soy Beverage—8th Continent 64 oz. | \$3.54 |
| Tofu—16 oz. | \$2.73 |
| Whole Grain—Bread, 16 oz. | \$3.71 |
| Whole Grain—Bread, 24 oz. | \$4.08 |
| Whole Grain—Brown Rice, 16 oz. | \$2.14 |
| Whole Grain—Brown Rice, 24 oz. | \$3.67 |
| Whole Grain—Oats, 16 oz. | \$2.85 |
| Whole Grain—Oats, 24 oz. | \$5.89 |
| Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz. | \$2.54 |
| Boost RTF Formula—8 oz. | \$2.16 |
| EnfaCare RTF Formula—32 oz. | \$7.27 |
| EnfaCare w/Iron Powder Formula—12.8 oz. | \$16.33 |
| Enfamil Premium Infant Concentrate Formula— 13 oz. | \$4.82 |
| Enfamil Premium Infant RTF Formula—32 oz. .. | \$7.12 |
| Enfamil Premium Infant Powder Formula— 12.5 oz. | \$15.01 |
| Good Start Gentle Concentrate—Orange Formula—12.1 oz. | \$5.04 |
| Good Start Gentle RTF—Orange Formula—4-count, 8.45 oz. (33.8 oz.) | \$6.98 |
| Good Start Gentle Powder—Orange Formula— 12.7 oz. | \$15.97 |
| Good Start Soothe Powder—Purple Formula— 12.4 oz. | \$16.11 |
| Good Start Soy Concentrate—Blue Formula— 12.1 oz. | \$5.04 |
| Good Start Soy RTF—Blue Formula—4-count, 8.45 oz. (33.8 oz.) | \$6.96 |
| Good Start Soy Powder—Blue Formula— 12.9 oz. | \$16.11 |
| Good Start Gerber Graduate Soy Powder Formula—24 oz. | \$23.04 |
| Good Start Gerber Graduate Gentle Powder Formula—22 oz. | \$23.47 |
| Good Start Gerber Graduate Protect Powder Formula—22 oz. | \$25.03 |
| Good Start Protect Powder Formula—12.4 oz. ... | \$15.66 |
| Nutramigen Concentrate Formula—13 oz. | \$7.60 |
| Nutramigen RTF Formula—32 oz. | \$9.20 |
| Nutramigen w/Enflora Powder Formula— 12.6 oz. | \$23.98 |
| Pediasure RTF Formula—8 oz. | \$2.13 |
| Pediasure w/Fiber RTF Formula—8 oz. | \$2.09 |
| Pediasure Sidekicks RTF Formula—8 oz. | \$2.36 |
| Similac Advance Concentrate Formula—13 oz. ... | \$4.78 |
| Similac Advance RTF Formula—32 oz. | \$7.14 |
| Similac Advance w/Iron Powder Formula— 12.4 oz. | \$15.25 |
| Similac Expert Care Alimentum RTF Formula—32 oz. | \$9.43 |
| Similac Expert Care Alimentum Powder Formula—16 oz. | \$27.58 |
| Similac Expert Care for Diarrhea RTF Formula—32 oz. | \$6.97 |
| Similac Expert Care NeoSure RTF Formula— 32 oz. | \$7.75 |
| Similac Expert Care NeoSure Powder Formula— 13.1 oz. | \$16.24 |
| Store Brand Milk Based Concentrate Formula— 13 oz. | \$3.67 |

| <i>Description</i> | <i>Maximum Allowable Price</i> |
|---|--------------------------------|
| Store Brand Milk Based RTF Formula—32 oz. . . | \$5.37 |
| Store Brand Milk Based Powder Formula— 25.75 oz. | \$16.16 |

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective January 1, 2013, through March 31, 2013, the Competitive Prices for WIC Authorization for Type 2 Stores in Regular Cost Counties are as follows:

| <i>Description</i> | <i>Competitive Prices</i> |
|---|---------------------------|
| Beans, Canned—15.5/16 oz. | \$1.28 |
| Beans/Peas—Dry—16 oz. | \$2.07 |
| Canned Fish—Pink Salmon | \$2.53 |
| Canned Fish—Sardines | \$1.59 |
| Canned Fish—Tuna | \$1.27 |
| Cereal (per oz.) | \$0.31 |
| Cheese, 16 oz. | \$6.04 |
| Eggs | \$2.06 |
| Gerber Infant Cereal—8 oz. | \$2.30 |
| Infant Fruits, 100%—4 oz. | \$0.76 |
| Infant Vegetables, 100%—4 oz. | \$0.76 |
| Infant Meats, 100%—2.5 oz. | \$1.08 |
| Juice—11.5/12 oz. | \$2.45 |
| Juice—48 oz. | \$3.08 |
| Juice—64 oz. | \$3.91 |
| Kosher Cheese—16 oz. | \$8.48 |
| Kosher Low Fat Milk—1/2 gallon | \$3.07 |
| Kosher Whole Milk—1/2 gallon | \$3.16 |
| Milk, Low Fat—1/2 gallon | \$2.51 |
| Milk, Whole—1/2 gallon | \$2.56 |
| Peanut Butter—18 oz. | \$3.36 |
| Whole Grain—Bread, 16 oz. | \$3.69 |
| Whole Grain—Brown Rice, 16 oz. | \$2.08 |
| Whole Grain—Oats, 16 oz. | \$2.62 |
| Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz. | \$2.48 |
| Good Start Gentle Concentrate—Orange Formula—12.1 oz. | \$5.04 |
| Good Start Gentle Powder—Orange Formula— 12.7 oz. | \$15.97 |
| Good Start Soy Concentrate—Blue Formula— 12.1 oz. | \$5.04 |
| Good Start Soy Powder—Blue Formula— 12.9 oz. | \$16.11 |

Maximum Allowable Prices and Competitive Prices for Type 3 Stores in Regular Cost Counties

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 3 Stores in Regular Cost Counties.

Maximum Allowable Prices

Effective January 1, 2013, through March 31, 2013, the Maximum Allowable Prices the Department will pay Type 3 Stores in Regular Cost Counties for WIC allowable foods are as follows:

| <i>Description</i> | <i>Maximum Allowable Price</i> |
|--|--------------------------------|
| Beans, Canned—15.5/16 oz. | \$1.38 |
| Beans/Peas—Dry—16 oz. | \$2.26 |
| Canned Fish—Pink Salmon | \$2.58 |
| Canned Fish—Sardines | \$1.69 |
| Canned Fish—Tuna | \$1.41 |
| Cereal (per oz.) | \$0.36 |
| Cheese, 16 oz. | \$7.26 |
| Eggs | \$2.16 |
| Gerber Infant Cereal—8 oz. | \$2.37 |
| Infant Fruits, 100%—4 oz. | \$0.81 |
| Infant Vegetables, 100%—4 oz. | \$0.81 |
| Infant Meats, 100%—2.5 oz. | \$1.20 |
| Juice—11.5/12 oz. | \$2.56 |
| Juice—48 oz. | \$3.20 |
| Juice—64 oz. | \$4.30 |
| Kosher Cheese—16 oz. | \$8.58 |
| Kosher Low Fat Milk—quart | \$1.87 |
| Kosher Low Fat Milk—1/2 gallon | \$3.39 |
| Kosher Whole Milk—quart | \$1.87 |
| Kosher Whole Milk—1/2 gallon | \$3.36 |
| Milk, Dry—9.6 oz. | \$4.70 |
| Milk, Dry—25.6 oz. | \$9.60 |
| Milk, Evaporated—12 oz. | \$1.58 |
| Milk, Low Fat—quart | \$1.51 |
| Milk, Low Fat—1/2 gallon | \$2.67 |
| Milk, Low Fat Lactose Free—quart | \$2.54 |
| Milk, Low Fat Lactose Free—1/2 gallon | \$4.44 |
| Milk, Whole—quart | \$1.54 |
| Milk, Whole—1/2 gallon | \$2.69 |
| Milk, Whole Lactose Free—quart | \$2.55 |
| Milk, Whole Lactose Free—1/2 gallon | \$4.47 |
| Peanut Butter—18 oz. | \$3.46 |
| Soy Beverage—Pacific Natural Foods 32 oz. | \$3.69 |
| Soy Beverage—8th Continent 64 oz. | \$3.71 |
| Tofu—16 oz. | \$2.73 |
| Whole Grain—Bread, 16 oz. | \$3.71 |
| Whole Grain—Bread, 24 oz. | \$4.08 |
| Whole Grain—Brown Rice, 16 oz. | \$2.17 |
| Whole Grain—Brown Rice, 24 oz. | \$3.67 |
| Whole Grain—Oats, 16 oz. | \$2.85 |
| Whole Grain—Oats, 24 oz. | \$6.13 |
| Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz. | \$2.61 |
| Boost RTF Formula—8 oz. | \$2.16 |
| EnfaCare RTF Formula—32 oz. | \$7.27 |
| EnfaCare w/Iron Powder Formula—12.8 oz. | \$16.33 |
| Enfamil Premium Infant Concentrate Formula— 13 oz. | \$4.99 |
| Enfamil Premium Infant RTF Formula—32 oz. | \$7.54 |
| Enfamil Premium Infant Powder Formula— 12.5 oz. | \$15.36 |
| Good Start Gentle Concentrate—Orange Formula—12.1 oz. | \$5.06 |
| Good Start Gentle RTF—Orange Formula—4-count, 8.45 oz. (33.8 oz.) | \$7.45 |
| Good Start Gentle Powder—Orange Formula— 12.7 oz. | \$16.50 |
| Good Start Soothe Powder—Purple Formula— 12.4 oz. | \$16.58 |

| <i>Description</i> | <i>Maximum Allowable Price</i> |
|--|--------------------------------|
| Good Start Soy Concentrate—Blue Formula—12.1 oz. | \$5.26 |
| Good Start Soy RTF—Blue Formula—4-count, 8.45 oz. (33.8 oz.). | \$7.10 |
| Good Start Soy Powder—Blue Formula—12.9 oz. | \$16.58 |
| Good Start Gerber Graduate Soy Powder Formula—24 oz. | \$23.69 |
| Good Start Gerber Graduate Gentle Powder Formula—22 oz. | \$23.89 |
| Good Start Gerber Graduate Protect Powder Formula—22 oz. | \$25.03 |
| Good Start Protect Powder Formula—12.4 oz. | \$15.84 |
| Nutramigen Concentrate Formula—13 oz. | \$7.69 |
| Nutramigen RTF Formula—32 oz. | \$9.81 |
| Nutramigen w/Enflora Powder Formula—12.6 oz. | \$24.13 |
| Pediasure RTF Formula—8 oz. | \$2.30 |
| Pediasure w/Fiber RTF Formula—8 oz. | \$2.30 |
| Pediasure Sidekicks RTF Formula—8 oz. | \$2.51 |
| Similac Advance Concentrate Formula—13 oz. | \$4.80 |
| Similac Advance RTF Formula—32 oz. | \$8.02 |
| Similac Advance w/Iron Powder Formula—12.4 oz. | \$15.50 |
| Similac Expert Care Alimentum RTF Formula—32 oz. | \$9.51 |
| Similac Expert Care Alimentum Powder Formula—16 oz. | \$28.07 |
| Similac Expert Care for Diarrhea RTF Formula—32 oz. | \$7.93 |
| Similac Expert Care NeoSure RTF Formula—32 oz. | \$8.22 |
| Similac Expert Care NeoSure Powder Formula—13.1 oz. | \$16.24 |
| Store Brand Milk Based Concentrate Formula—13 oz. | \$3.67 |
| Store Brand Milk Based RTF Formula—32 oz. .. | \$5.37 |
| Store Brand Milk Based Powder Formula—25.75 oz. | \$17.59 |

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective January 1, 2013, through March 31, 2013, the Competitive Prices for WIC Authorization for Type 3 Stores in Regular Cost Counties are as follows:

| <i>Description</i> | <i>Competitive Prices</i> |
|---------------------------------|---------------------------|
| Beans, Canned—15.5/16 oz. | \$1.28 |
| Beans/Peas—Dry—16 oz. | \$2.10 |
| Canned Fish—Pink Salmon | \$2.53 |
| Canned Fish—Sardines | \$1.59 |
| Canned Fish—Tuna | \$1.29 |
| Cereal (per oz.) | \$0.34 |
| Cheese, 16 oz. | \$6.04 |
| Eggs | \$2.06 |
| Gerber Infant Cereal—8 oz. | \$2.37 |

| <i>Description</i> | <i>Competitive Prices</i> |
|---|---------------------------|
| Infant Fruits, 100%—4 oz. | \$0.79 |
| Infant Vegetables, 100%—4 oz. | \$0.79 |
| Infant Meats, 100%—2.5 oz. | \$1.18 |
| Juice—11.5/12 oz. | \$2.51 |
| Juice—48 oz. | \$3.10 |
| Juice—64 oz. | \$4.00 |
| Kosher Cheese—16 oz. | \$8.48 |
| Kosher Low Fat Milk—1/2 gallon | \$3.38 |
| Kosher Whole Milk—1/2 gallon | \$3.35 |
| Milk, Low Fat—1/2 gallon | \$2.51 |
| Milk, Whole—1/2 gallon | \$2.57 |
| Peanut Butter—18 oz. | \$3.36 |
| Whole Grain—Bread, 16 oz. | \$3.69 |
| Whole Grain—Brown Rice, 16 oz. | \$2.09 |
| Whole Grain—Oats, 16 oz. | \$2.62 |
| Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz. | \$2.55 |
| Good Start Gentle Concentrate—Orange Formula—12.1 oz. | \$5.06 |
| Good Start Gentle Powder—Orange Formula—12.7 oz. | \$16.50 |
| Good Start Soy Concentrate—Blue Formula—12.1 oz. | \$5.26 |
| Good Start Soy Powder—Blue Formula—12.9 oz. | \$16.58 |

Maximum Allowable Prices and Competitive Prices for Type 1 Stores in High Cost Counties

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 1 Stores in High Cost Counties.

Maximum Allowable Prices

Effective January 1, 2013, through March 31, 2013, the Maximum Allowable Prices the Department will pay Type 1 Stores in High Cost Counties for WIC allowable foods are as follows:

| <i>Description</i> | <i>Maximum Allowable Price</i> |
|-------------------------------------|--------------------------------|
| Beans, Canned—15.5/16 oz. | \$1.34 |
| Beans/Peas—Dry—16 oz. | \$2.18 |
| Canned Fish—Pink Salmon | \$2.64 |
| Canned Fish—Sardines | \$1.88 |
| Canned Fish—Tuna | \$1.30 |
| Cereal (per oz.) | \$0.33 |
| Cheese, 16 oz. | \$7.34 |
| Eggs | \$2.26 |
| Gerber Infant Cereal—8 oz. | \$2.26 |
| Infant Fruits, 100%—4 oz. | \$0.66 |
| Infant Vegetables, 100%—4 oz. | \$0.66 |
| Infant Meats, 100%—2.5 oz. | \$1.05 |
| Juice—11.5/12 oz. | \$2.40 |
| Juice—48 oz. | \$3.14 |
| Juice—64 oz. | \$4.05 |
| Kosher Cheese—16 oz. | \$8.98 |
| Kosher Low Fat Milk—quart | \$1.70 |
| Kosher Low Fat Milk—1/2 gallon | \$3.25 |
| Kosher Whole Milk—quart | \$1.72 |
| Kosher Whole Milk—1/2 gallon | \$3.33 |
| Milk, Dry—9.6 oz. | \$4.38 |
| Milk, Dry—25.6 oz. | \$9.61 |
| Milk, Evaporated—12 oz. | \$1.43 |
| Milk, Low Fat—quart | \$1.46 |
| Milk, Low Fat—1/2 gallon | \$2.75 |

| <i>Description</i> | <i>Maximum Allowable Price</i> |
|---|--------------------------------|
| Milk, Low Fat Lactose Free—quart | \$2.56 |
| Milk, Low Fat Lactose Free—1/2 gallon | \$4.08 |
| Milk, Whole—quart | \$1.47 |
| Milk, Whole—1/2 gallon | \$2.77 |
| Milk, Whole Lactose Free—quart | \$2.58 |
| Milk, Whole Lactose Free—1/2 gallon | \$4.11 |
| Peanut Butter—18 oz. | \$3.46 |
| Soy Beverage—Pacific Natural Foods 32 oz. | \$3.49 |
| Soy Beverage—8th Continent 64 oz. | \$3.41 |
| Tofu—16 oz. | \$2.69 |
| Whole Grain—Bread, 16 oz. | \$3.71 |
| Whole Grain—Bread, 24 oz. | \$4.14 |
| Whole Grain—Brown Rice, 16 oz. | \$2.16 |
| Whole Grain—Brown Rice, 24 oz. | \$3.89 |
| Whole Grain—Oats, 16 oz. | \$2.85 |
| Whole Grain—Oats, 24 oz. | \$5.54 |
| Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz. | \$2.54 |
| Boost RTF Formula—8 oz. | \$2.15 |
| EnfaCare RTF Formula—32 oz. | \$7.47 |
| EnfaCare w/Iron Powder Formula—12.8 oz. | \$16.01 |
| Enfamil Premium Infant Concentrate Formula— 13 oz. | \$4.70 |
| Enfamil Premium Infant RTF Formula—32 oz. .. | \$6.92 |
| Enfamil Premium Infant Powder Formula— 12.5 oz. | \$15.06 |
| Good Start Gentle Concentrate—Orange Formula—12.1 oz. | \$4.79 |
| Good Start Gentle RTF—Orange Formula—4-count, 8.45 oz. (33.8 oz.) | \$6.98 |
| Good Start Gentle Powder—Orange Formula— 12.7 oz. | \$15.65 |
| Good Start Soothe Powder—Purple Formula— 12.4 oz. | \$16.11 |
| Good Start Soy Concentrate—Blue Formula— 12.1 oz. | \$4.96 |
| Good Start Soy RTF—Blue Formula—4-count, 8.45 oz. (33.8 oz.) | \$6.96 |
| Good Start Soy Powder—Blue Formula— 12.9 oz. | \$16.11 |
| Good Start Gerber Graduate Soy Powder Formula—24 oz. | \$22.45 |
| Good Start Gerber Graduate Gentle Powder Formula—22 oz. | \$23.17 |
| Good Start Gerber Graduate Protect Powder Formula—22 oz. | \$25.03 |
| Good Start Protect Powder Formula—12.4 oz. ... | \$15.66 |
| Nutramigen Concentrate Formula—13 oz. | \$7.51 |
| Nutramigen RTF Formula—32 oz. | \$9.21 |
| Nutramigen w/Enflora Powder Formula— 12.6 oz. | \$24.17 |
| Pediasure RTF Formula—8 oz. | \$2.01 |
| Pediasure w/Fiber RTF Formula—8 oz. | \$1.98 |
| Pediasure Sidekicks RTF Formula—8 oz. | \$2.51 |
| Similac Advance Concentrate Formula—13 oz. ... | \$4.85 |
| Similac Advance RTF Formula—32 oz. | \$7.14 |
| Similac Advance w/Iron Powder Formula— 12.4 oz. | \$15.15 |
| Similac Expert Care Alimentum RTF Formula—32 oz. | \$9.33 |
| Similac Expert Care Alimentum Powder Formula—16 oz. | \$27.39 |
| Similac Expert Care for Diarrhea RTF Formula—32 oz. | \$6.97 |
| Similac Expert Care NeoSure RTF Formula— 32 oz. | \$7.58 |

| <i>Description</i> | <i>Maximum Allowable Price</i> |
|--|--------------------------------|
| Similac Expert Care NeoSure Powder Formula— 13.1 oz. | \$16.11 |
| Store Brand Milk Based Concentrate Formula— 13 oz. | \$3.67 |
| Store Brand Milk Based RTF Formula—32 oz. .. | \$5.37 |
| Store Brand Milk Based Powder Formula— 25.75 oz. | \$16.13 |

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective January 1, 2013, through March 31, 2013, the Competitive Prices for WIC authorization for Type 1 Stores in High Cost Counties are as follows:

| <i>Description</i> | <i>Competitive Prices</i> |
|--|---------------------------|
| Beans, Canned—15.5/16 oz. | \$1.23 |
| Beans/Peas—Dry—16 oz. | \$2.02 |
| Canned Fish—Pink Salmon | \$2.59 |
| Canned Fish—Sardines | \$1.76 |
| Canned Fish—Tuna | \$1.15 |
| Cereal (per oz.) | \$0.31 |
| Cheese, 16 oz. | \$6.12 |
| Eggs | \$2.16 |
| Gerber Infant Cereal—8 oz. | \$2.26 |
| Infant Fruits, 100%—4 oz. | \$0.64 |
| Infant Vegetables, 100%—4 oz. | \$0.64 |
| Infant Meats, 100%—2.5 oz. | \$1.03 |
| Juice—11.5/12 oz. | \$2.27 |
| Juice—48 oz. | \$3.12 |
| Juice—64 oz. | \$3.72 |
| Kosher Cheese—16 oz. | \$8.88 |
| Kosher Low Fat Milk—1/2 gallon | \$3.07 |
| Kosher Whole Milk—1/2 gallon | \$3.16 |
| Milk, Low Fat—1/2 gallon | \$2.56 |
| Milk, Whole—1/2 gallon | \$2.67 |
| Peanut Butter—18 oz. | \$3.36 |
| Whole Grain—Bread, 16 oz. | \$3.69 |
| Whole Grain—Brown Rice, 16 oz. | \$2.08 |
| Whole Grain—Oats, 16 oz. | \$2.74 |
| Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz. | \$2.48 |
| Good Start Gentle Concentrate—Orange Formula—12.1 oz. | \$4.79 |
| Good Start Gentle Powder—Orange Formula— 12.7 oz. | \$15.65 |
| Good Start Soy Concentrate—Blue Formula— 12.1 oz. | \$4.96 |
| Good Start Soy Powder—Blue Formula— 12.9 oz. | \$16.11 |

Maximum Allowable Prices and Competitive Prices for Type 2 Stores in High Cost Counties

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 2 Stores in High Cost Counties.

Maximum Allowable Prices

Effective January 1, 2013, through March 31, 2013, the Maximum Allowable Prices the Department will pay Type 2 Stores in High Cost Counties for WIC allowable foods are as follows:

| <i>Description</i> | <i>Maximum Allowable Price</i> |
|--|--------------------------------|
| Beans, Canned—15.5/16 oz. | \$1.38 |
| Beans/Peas—Dry—16 oz. | \$2.27 |
| Canned Fish—Pink Salmon | \$2.64 |
| Canned Fish—Sardines | \$1.88 |
| Canned Fish—Tuna | \$1.39 |
| Cereal (per oz.) | \$0.35 |
| Cheese, 16 oz. | \$7.34 |
| Eggs | \$2.26 |
| Gerber Infant Cereal—8 oz. | \$2.37 |
| Infant Fruits, 100%—4 oz. | \$0.79 |
| Infant Vegetables, 100%—4 oz. | \$0.79 |
| Infant Meats, 100%—2.5 oz. | \$1.13 |
| Juice—11.5/12 oz. | \$2.56 |
| Juice—48 oz. | \$3.25 |
| Juice—64 oz. | \$4.27 |
| Kosher Cheese—16 oz. | \$8.98 |
| Kosher Low Fat Milk—quart | \$1.70 |
| Kosher Low Fat Milk—1/2 gallon | \$3.25 |
| Kosher Whole Milk—quart | \$1.72 |
| Kosher Whole Milk—1/2 gallon | \$3.33 |
| Milk, Dry—9.6 oz. | \$4.65 |
| Milk, Dry—25.6 oz. | \$9.61 |
| Milk, Evaporated—12 oz. | \$1.54 |
| Milk, Low Fat—quart | \$1.51 |
| Milk, Low Fat—1/2 gallon | \$2.75 |
| Milk, Low Fat Lactose Free—quart | \$2.56 |
| Milk, Low Fat Lactose Free—1/2 gallon | \$4.46 |
| Milk, Whole—quart | \$1.52 |
| Milk, Whole—1/2 gallon | \$2.77 |
| Milk, Whole Lactose Free—quart | \$2.58 |
| Milk, Whole Lactose Free—1/2 gallon | \$4.49 |
| Peanut Butter—18 oz. | \$3.46 |
| Soy Beverage—Pacific Natural Foods 32 oz. | \$3.69 |
| Soy Beverage—8th Continent 64 oz. | \$3.67 |
| Tofu—16 oz. | \$2.75 |
| Whole Grain—Bread, 16 oz. | \$3.71 |
| Whole Grain—Bread, 24 oz. | \$4.14 |
| Whole Grain—Brown Rice, 16 oz. | \$2.16 |
| Whole Grain—Brown Rice, 24 oz. | \$3.89 |
| Whole Grain—Oats, 16 oz. | \$3.05 |
| Whole Grain—Oats, 24 oz. | \$5.89 |
| Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz. | \$2.65 |
| Boost RTF Formula—8 oz. | \$2.16 |
| EnfaCare RTF Formula—32 oz. | \$7.47 |
| EnfaCare w/Iron Powder Formula—12.8 oz. | \$16.33 |
| Enfamil Premium Infant Concentrate Formula—13 oz. | \$4.92 |
| Enfamil Premium Infant RTF Formula—32 oz. .. | \$7.12 |
| Enfamil Premium Infant Powder Formula—12.5 oz. | \$15.31 |
| Good Start Gentle Concentrate—Orange Formula—12.1 oz. | \$5.04 |
| Good Start Gentle RTF—Orange Formula—4-count, 8.45 oz. (33.8 oz.) | \$6.99 |
| Good Start Gentle Powder—Orange Formula—12.7 oz. | \$16.23 |
| Good Start Soothe Powder—Purple Formula—12.4 oz. | \$16.35 |

*Maximum Allowable Price**Description*

| | |
|---|---------|
| Good Start Soy Concentrate—Blue Formula—12.1 oz. | \$5.09 |
| Good Start Soy RTF—Blue Formula—4-count, 8.45 oz. (33.8 oz.) | \$6.96 |
| Good Start Soy Powder—Blue Formula—12.9 oz. | \$16.35 |
| Good Start Gerber Graduate Soy Powder Formula—24 oz. | \$23.17 |
| Good Start Gerber Graduate Gentle Powder Formula—22 oz. | \$23.89 |
| Good Start Gerber Graduate Protect Powder Formula—22 oz. | \$25.03 |
| Good Start Protect Powder Formula—12.4 oz. ... | \$16.33 |
| Nutramigen Concentrate Formula—13 oz. | \$7.60 |
| Nutramigen RTF Formula—32 oz. | \$9.21 |
| Nutramigen w/Enflora Powder Formula—12.6 oz. | \$24.30 |
| Pediasure RTF Formula—8 oz. | \$2.30 |
| Pediasure w/Fiber RTF Formula—8 oz. | \$2.38 |
| Pediasure Sidekicks RTF Formula—8 oz. | \$2.51 |
| Similac Advance Concentrate Formula—13 oz. ... | \$4.85 |
| Similac Advance RTF Formula—32 oz. | \$7.45 |
| Similac Advance w/Iron Powder Formula—12.4 oz. | \$15.30 |
| Similac Expert Care Alimentum RTF Formula—32 oz. | \$9.74 |
| Similac Expert Care Alimentum Powder Formula—16 oz. | \$28.22 |
| Similac Expert Care for Diarrhea RTF Formula—32 oz. | \$7.65 |
| Similac Expert Care NeoSure RTF Formula—32 oz. | \$8.03 |
| Similac Expert Care NeoSure Powder Formula—13.1 oz. | \$16.55 |
| Store Brand Milk Based Concentrate Formula—13 oz. | \$3.67 |
| Store Brand Milk Based RTF Formula—32 oz. .. | \$5.37 |
| Store Brand Milk Based Powder Formula—25.75 oz. | \$16.77 |

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective January 1, 2013, through March 31, 2013, the Competitive Prices for WIC Authorization for Type 2 Stores in High Cost Counties are as follows:

| <i>Description</i> | <i>Competitive Prices</i> |
|--------------------------------|---------------------------|
| Beans, Canned—15.5/16 oz. | \$1.28 |
| Beans/Peas—Dry—16 oz. | \$2.11 |
| Canned Fish—Pink Salmon | \$2.59 |
| Canned Fish—Sardines | \$1.76 |
| Canned Fish—Tuna | \$1.27 |
| Cereal (per oz.) | \$0.33 |

| <i>Description</i> | <i>Competitive Prices</i> |
|--|-------------------------------|
| Cheese, 16 oz. | \$6.20 |
| Eggs | \$2.16 |
| Gerber Infant Cereal—8 oz. | \$2.37 |
| Infant Fruits, 100%—4 oz. | \$0.78 |
| Infant Vegetables, 100%—4 oz. | \$0.78 |
| Infant Meats, 100%—2.5 oz. | \$1.11 |
| Juice—11.5/12 oz. | \$2.45 |
| Juice—48 oz. | \$3.23 |
| Juice—64 oz. | \$3.97 |
| Kosher Cheese—16 oz. | \$8.88 |
| Kosher Low Fat Milk—1/2 gallon | \$3.07 |
| Kosher Whole Milk—1/2 gallon | \$3.16 |
| Milk, Low Fat—1/2 gallon | \$2.56 |
| Milk, Whole—1/2 gallon | \$2.67 |
| Peanut Butter—18 oz. | \$3.36 |
| Whole Grain—Bread, 16 oz. | \$3.69 |
| Whole Grain—Brown Rice, 16 oz. | \$2.08 |
| Whole Grain—Oats, 16 oz. | \$2.95 |
| Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz. | \$2.58 |
| Good Start Gentle Concentrate—Orange Formula—12.1 oz. | \$5.04 |
| Good Start Gentle Powder—Orange Formula— 12.7 oz. | \$16.23 |
| Good Start Soy Concentrate—Blue Formula— 12.1 oz. | \$5.09 |
| Good Start Soy Powder—Blue Formula— 12.9 oz. | \$16.35 |

**Maximum Allowable Prices and Competitive Prices
for Type 3 Stores in High Cost Counties**

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 3 Stores in High Cost Counties.

Maximum Allowable Prices

Effective January 1, 2013, through March 31, 2013, the Maximum Allowable Prices the Department will pay Type 3 Stores in High Cost Counties for WIC allowable foods are as follows:

| <i>Description</i> | <i>Maximum Allowable Price</i> |
|-------------------------------------|--|
| Beans, Canned—15.5/16 oz. | \$1.41 |
| Beans/Peas—Dry—16 oz. | \$2.27 |
| Canned Fish—Pink Salmon | \$2.64 |
| Canned Fish—Sardines | \$1.88 |
| Canned Fish—Tuna | \$1.41 |
| Cereal (per oz.) | \$0.36 |
| Cheese, 16 oz. | \$7.92 |
| Eggs | \$2.26 |
| Gerber Infant Cereal—8 oz. | \$2.50 |
| Infant Fruits, 100%—4 oz. | \$0.81 |
| Infant Vegetables, 100%—4 oz. | \$0.81 |
| Infant Meats, 100%—2.5 oz. | \$1.20 |
| Juice—11.5/12 oz. | \$2.56 |
| Juice—48 oz. | \$3.25 |
| Juice—64 oz. | \$4.30 |
| Kosher Cheese—16 oz. | \$9.14 |
| Kosher Low Fat Milk—quart | \$2.01 |
| Kosher Low Fat Milk—1/2 gallon | \$3.39 |
| Kosher Whole Milk—quart | \$1.87 |
| Kosher Whole Milk—1/2 gallon | \$3.36 |
| Milk, Dry—9.6 oz. | \$4.70 |

| <i>Description</i> | <i>Maximum Allowable Price</i> |
|---|--|
| Milk, Dry—25.6 oz. | \$9.61 |
| Milk, Evaporated—12 oz. | \$1.59 |
| Milk, Low Fat—quart | \$1.63 |
| Milk, Low Fat—1/2 gallon | \$2.89 |
| Milk, Low Fat Lactose Free—quart | \$2.56 |
| Milk, Low Fat Lactose Free—1/2 gallon | \$4.46 |
| Milk, Whole—quart | \$1.60 |
| Milk, Whole—1/2 gallon | \$2.91 |
| Milk, Whole Lactose Free—quart | \$2.58 |
| Milk, Whole Lactose Free—1/2 gallon | \$4.49 |
| Peanut Butter—18 oz. | \$3.46 |
| Soy Beverage—Pacific Natural Foods 32 oz. | \$3.69 |
| Soy Beverage—8th Continent 64 oz. | \$3.71 |
| Tofu—16 oz. | \$2.75 |
| Whole Grain—Bread, 16 oz. | \$3.71 |
| Whole Grain—Bread, 24 oz. | \$4.14 |
| Whole Grain—Brown Rice, 16 oz. | \$2.31 |
| Whole Grain—Brown Rice, 24 oz. | \$3.89 |
| Whole Grain—Oats, 16 oz. | \$3.05 |
| Whole Grain—Oats, 24 oz. | \$6.13 |
| Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz. | \$2.65 |
| Boost RTF Formula—8 oz. | \$2.16 |
| EnfaCare RTF Formula—32 oz. | \$8.27 |
| EnfaCare w/Iron Powder Formula—12.8 oz. | \$16.40 |
| Enfamil Premium Infant Concentrate Formula— 13 oz. | \$5.37 |
| Enfamil Premium Infant RTF Formula—32 oz. .. | \$7.66 |
| Enfamil Premium Infant Powder Formula— 12.5 oz. | \$15.63 |
| Good Start Gentle Concentrate—Orange Formula—12.1 oz. | \$5.53 |
| Good Start Gentle RTF—Orange Formula—4-count, 8.45 oz. (33.8 oz.) | \$7.86 |
| Good Start Gentle Powder—Orange Formula— 12.7 oz. | \$17.99 |
| Good Start Soothe Powder—Purple Formula— 12.4 oz. | \$17.61 |
| Good Start Soy Concentrate—Blue Formula— 12.1 oz. | \$5.39 |
| Good Start Soy RTF—Blue Formula—4-count, 8.45 oz. (33.8 oz.) | \$7.10 |
| Good Start Soy Powder—Blue Formula— 12.9 oz. | \$17.61 |
| Good Start Gerber Graduate Soy Powder Formula—24 oz. | \$23.69 |
| Good Start Gerber Graduate Gentle Powder Formula—22 oz. | \$23.89 |
| Good Start Gerber Graduate Protect Powder Formula—22 oz. | \$25.03 |
| Good Start Protect Powder Formula—12.4 oz. ... | \$16.49 |
| Nutramigen Concentrate Formula—13 oz. | \$7.80 |
| Nutramigen RTF Formula—32 oz. | \$9.88 |
| Nutramigen w/Enflora Powder Formula— 12.6 oz. | \$24.30 |
| Pediasure RTF Formula—8 oz. | \$2.30 |
| Pediasure w/Fiber RTF Formula—8 oz. | \$2.42 |
| Pediasure Sidekicks RTF Formula—8 oz. | \$2.51 |
| Similac Advance Concentrate Formula—13 oz. ... | \$5.22 |
| Similac Advance RTF Formula—32 oz. | \$8.03 |
| Similac Advance w/Iron Powder Formula— 12.4 oz. | \$15.99 |
| Similac Expert Care Alimentum RTF Formula—32 oz. | \$9.81 |
| Similac Expert Care Alimentum Powder Formula—16 oz. | \$29.55 |

| <i>Description</i> | <i>Maximum Allowable Price</i> |
|--|--------------------------------|
| Similac Expert Care for Diarrhea RTF Formula—32 oz. | \$8.30 |
| Similac Expert Care NeoSure RTF Formula—32 oz. | \$8.49 |
| Similac Expert Care NeoSure Powder Formula—13.1 oz. | \$16.71 |
| Store Brand Milk Based Concentrate Formula—13 oz. | \$3.90 |
| Store Brand Milk Based RTF Formula—32 oz. .. | \$5.37 |
| Store Brand Milk Based Powder Formula—25.75 oz. | \$17.59 |

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective January 1, 2013, through March 31, 2013, the Competitive Prices for WIC Authorization for Type 3 Stores in High Cost Counties are as follows:

| <i>Description</i> | <i>Competitive Prices</i> |
|---|---------------------------|
| Beans, Canned—15.5/16 oz. | \$1.37 |
| Beans/Peas—Dry—16 oz. | \$2.11 |
| Canned Fish—Pink Salmon | \$2.59 |
| Canned Fish—Sardines | \$1.76 |
| Canned Fish—Tuna | \$1.29 |
| Cereal (per oz.) | \$0.35 |
| Cheese, 16 oz. | \$6.20 |
| Eggs | \$2.16 |
| Gerber Infant Cereal—8 oz. | \$2.50 |
| Infant Fruits, 100%—4 oz. | \$0.79 |
| Infant Vegetables, 100%—4 oz. | \$0.79 |
| Infant Meats, 100%—2.5 oz. | \$1.18 |
| Juice—11.5/12 oz. | \$2.51 |
| Juice—48 oz. | \$3.23 |
| Juice—64 oz. | \$4.00 |
| Kosher Cheese—16 oz. | \$9.04 |
| Kosher Low Fat Milk—1/2 gallon | \$3.38 |
| Kosher Whole Milk—1/2 gallon | \$3.35 |
| Milk, Low Fat—1/2 gallon | \$2.79 |
| Milk, Whole—1/2 gallon | \$2.81 |
| Peanut Butter—18 oz. | \$3.36 |
| Whole Grain—Bread, 16 oz. | \$3.69 |
| Whole Grain—Brown Rice, 16 oz. | \$2.23 |
| Whole Grain—Oats, 16 oz. | \$2.95 |
| Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz. | \$2.59 |
| Good Start Gentle Concentrate—Orange Formula—12.1 oz. | \$5.53 |
| Good Start Gentle Powder—Orange Formula—12.7 oz. | \$17.99 |
| Good Start Soy Concentrate—Blue Formula—12.1 oz. | \$5.39 |
| Good Start Soy Powder—Blue Formula—12.9 oz. | \$17.61 |

Persons with a disability who require an alternative format of this listing (for example, large print, audiotape, Braille) should contact Chris Harr, Department of Health, Division of WIC, 2150 Herr Street, 1st Floor, Harrisburg, PA 17105, (717) 783-1289, or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

MICHAEL WOLF,
Acting Secretary

[Pa.B. Doc. No. 12-2500. Filed for public inspection December 21, 2012, 9:00 a.m.]

DEPARTMENT OF LABOR AND INDUSTRY

Current Prevailing Wage Act Debarments

The following contractors have been determined to have intentionally violated the Pennsylvania Prevailing Wage Act (act) (43 P.S. §§ 165-1—165-17). This notice is published for the information and convenience of public bodies subject to the act. Under section 11(e) of the act (43 P.S. § 165-11(e)), these contractors, or either one of them, or any firms, corporations or partnerships in which either one of these contractors has an interest, shall be awarded no contract for 3 years after the date listed.

| <i>Contractor</i> | <i>Address</i> | <i>Date of Debarment</i> |
|---|--|--------------------------|
| On Call Contracting Services, LLC and John Ott, individually FEIN 20-8628213 | 2262 Mt. Carmel Avenue Glenside, PA 19037 | 11/29/2012 |

JULIA K. HEARTHWAY,
Secretary

[Pa.B. Doc. No. 12-2501. Filed for public inspection December 21, 2012, 9:00 a.m.]

DEPARTMENT OF REVENUE

Interest Rate Notice

Under sections 806 and 806.1 of The Fiscal Code (72 P.S. §§ 806 and 806.1), the Secretary of Revenue announces that, for the year beginning January 1, 2013, all underpayments of tax which became due and payable to the Commonwealth on and after January 1, 1982, shall bear interest at the rate of 3% per annum. All overpayments of the tax imposed under Article III of the Tax Reform Code of 1971 (72 P.S. §§ 7301—7361), which became due and payable to the Commonwealth on and after January 1, 1982, shall bear interest at the rate of 3% per annum. All other overpayments of tax which became due and payable to the Commonwealth on and after January 1, 1982, shall bear interest at the rate of 1% per annum. These rates will remain constant until December 31, 2013. These rates will be codified under 61 Pa. Code § 4.2(a) (relating to rate of interest).

These rates have been established based upon the rate established by the Secretary of the Treasury of the United

States under section 6621(a)(2) of the Internal Revenue Code to be effective January 1, 2013.

Although the Tax Reform Act of 1986 amended section 6621 of the Internal Revenue Code by requiring that the Secretary of the Treasury of the United States establish quarterly rates of interest to become effective for Federal purposes on the first month of each calendar quarter, these amendments do not affect Commonwealth law. The Fiscal Code requires that the interest rate be established effective January 1 of each calendar year without regard to any change in the Federal interest rate during the calendar year.

DANIEL MEUSER,
Secretary

[Pa.B. Doc. No. 12-2502. Filed for public inspection December 21, 2012, 9:00 a.m.]

Notice of Taxable and Exempt Property

The Department of Revenue is hereby giving notice to the public, in accordance with 61 Pa. Code §§ 52.1 and 58.1 (relating to purchases of medicines, medical supplies, medical equipment and prosthetic or therapeutic devices; and publication of list of taxable and exempt tangible personal property), of additions, deletions and revisions to the list of taxable and exempt property under the sales and use tax provisions of the Tax Reform Code of 1971 published at 39 Pa.B. 7256 (December 26, 2009) with a correction published at 40 Pa.B. 574 (January 23, 2010). Under 61 Pa. Code §§ 52.1 and 58.1, this list is required to be published by notice at least once every 3 years. In addition, quarterly the Department will publish notice of any additions, deletions or revisions to the list.

Copies of the Retailers' Information Booklet may be obtained by calling the 24-hour answering service numbers for forms ordering: Nationwide (800) 362-2050; and TT only (800) 447-3020.

Index to Categories

| <i>Title</i> | <i>Category</i> |
|--|-----------------|
| Books and Stationery | (1) |
| Business Supplies and Equipment | (2) |
| Clothing and Accessories | (3) |
| Cosmetics and Toilet Goods | (4) |
| Farming Supplies and Equipment | (5) |
| Flowers, Seeds, Fertilizers, etc. | (6) |
| Food and Beverages Sold From a Caterer or Establishment Serving Ready-to-Eat Food | (7) |
| Food and Beverages Sold From Other than a Caterer or Establishment Selling Ready-to-Eat Food | (8) |
| Hair Goods and Notions | (9) |
| Hobby Supplies, Toys, Games, Radios, etc. | (10) |
| Home Sewing, Millinery and Craft Supplies | (11) |
| Household Goods and Supplies | (12) |
| A. Soaps and Detergents | |
| B. Cleaning and Polishing Preparations | |
| C. Paper Goods | |
| D. Wrapping Supplies | |

| <i>Title</i> | <i>Category</i> |
|--|-----------------|
| Infant Supplies | (13) |
| Jewelry | (14) |
| Luggage, Handbags, Carrying Bags, Wallets, Etc. | (15) |
| Medicine, Drugs and Medical Supplies; Prosthetic and Therapeutic Devices | (16) |
| Miscellaneous | (17) |
| Optical Goods | (18) |
| Pets | (19) |
| Religious Articles | (20) |
| Restaurant Equipment and Supplies | (21) |
| Shoes and Shoe Accessories | (22) |
| Sporting Equipment, Clothing, Supplies and Recreational Equipment | (23) |
| Tobacco Products | (24) |
| Utilities and Fuel | (25) |
| Tires, Motor Vehicle, Leases and Rental (PTA Tax) | (26) |
| Vehicle Rental Tax (VRT) | (27) |

Listing of Taxable and Exempt Property

T—TAXABLE

NT—NONTAXABLE

*—INDICATES CHANGE OR CLARIFICATION

**—INDICATES NEW ITEM

(1) *Books and Stationery*

Tax is imposed on books, stationery and stationery supplies, including Bibles and religious publications sold by religious groups.

- T—Bibles
- T—Comic books
- T—Crossword, game books
- T—Dictionaries
- T—Greeting Cards
- T—Instruction books for needle-craft, embroidery, knitting, etc.
- NT—Mail order catalogues
- NT—Newspapers of general circulation qualified to carry a legal advertisement
- T—Periodicals and magazines not purchased by subscription
- NT—Periodicals and magazines purchased by subscription
- T—School supplies, except when sold directly to a school district or qualified nonprofit educational institution
- NT—Textbooks, when sold by a school or an authorized book store

(2) *Business Supplies and Equipment*

Generally, sales of business supplies and equipment used in construction, repair, etc., of real estate are taxable.

- T—Amusement and record playing devices
- T—Building materials, supplies, and equipment used in construction, repair, etc., of real estate, except building machinery and equipment purchased by or for certain exempt entities
- T—Business forms such as invoices, order books, etc.
- T—Cash register receipt paper
- *T—Canned computer software and licenses to use, regardless of method of delivery or access

NT—Direct mail advertising materials, including calendars, matchbooks, etc.
 T—Display cases and merchandising equipment
 NT—Dry ice, when sold for internal packaging with the sale of property to others
 T—Fans
 T—Signs, circulars, show cards and posters
 T—Vending machines and equipment
 NT—Wrapping supplies used in connection with the sale of products

(3) *Clothing and Accessories*

Generally, clothing is nontaxable except the following: (1) Formal day or evening apparel; (2) Articles made of real, imitation, or synthetic fur, where the fur is more than three times the value of the next most valuable component material; and (3) Sporting goods and clothing normally worn or used when engaged in sports (See Category 23).

T—Accessories and ornamental wear
 NT—Aprons
 NT—Belts and suspenders
 T—Biking clothing
 NT—Boots and shoes, designed for everyday wear
 T—Bridal apparel and accessories
 T—Corsages and boutonnieres
 T—Costumes—Halloween, Christmas, etc.
 NT—Dress shields
 T—Formal clothing, including mother of the bride and flower girl dresses.
 T—Fur, articles made of fur on hide or pelt, or any material imitative of fur, and articles of which fur, real, imitation, or synthetic, is the component material of chief value; and fur trimmed articles, if the value of fur is more than three times the value of the next most valuable component material. Felt, wool, or fabric is not taxable unless it resembles fur on the hide.
 NT—Garters and garter belts
 NT—Girdles
 T—Gloves, baseball, golf, racquet, etc.
 NT—Gloves, cloth, leather, kid, for everyday wear
 T—Gloves, sheepskin, fur, rubber
 T—Graduation caps and gowns
 NT—Gym suits
 T—Handkerchiefs
 *NT—Headwear for everyday wear
 **T—Helmets
 NT—Hosiery, pantyhose, and peds
 NT—Hunting clothing, including camouflage and blaze orange
 NT—Leotards and tights
 NT—Leather wearing apparel
 NT—Lingerie
 NT—Maternity clothing for everyday wear
 NT—Neckwear, ties
 NT—Nightgowns
 T—Prom dresses
 NT—Rainwear
 NT—Receiving blankets
 NT—Repairing of wearing apparel
 T—Safety clothing—(See Category 17)
 NT—Scarves, for headwear and neckwear
 NT—Scout uniforms and camp clothes
 T—Sheepskin coats
 NT—Stockings, including support-hose
 NT—Suspenders
 NT—T-shirts, imprinted
 T—Tuxedos
 T—Umbrellas
 NT—Underclothing

NT—Work clothes, work uniforms
 NT—Yard goods (to make clothing)

(4) *Cosmetics and Toilet Goods*

T—After shave creams, lotions, powders
 T—Antiperspirants
 T—Aromatherapy products (Candles, oils, washes, etc.)
 T—Atomizers containing perfume and other liquids
 T—Bath milks, oils, powders, salts, tablets, crystals, etc.
 T—Bath and shower gels, and body shampoos
 T—Bleach creams and lotions
 T—Blush, rouges
 T—Body lotion and creams
 T—Breath fresheners and breath sprays
 T—Bubble bath preparations
 T—Cocoa butter, if advertised or labeled for toilet purposes
 T—Colognes
 T—Compacts containing blush or powder, compact refills
 T—Cosmetics
 T—Creams, protective (having cosmetic claims or use as skin creams, antiperspirants)
 T—Creams, cleansing, beauty or cold
 T—Cuticle softeners and removers
 T—Deodorants (even though having a medicinal or curative value, if advertised or labeled for use as a body deodorant)
 T—Deodorants (for use in closets, bureau drawers, etc., for imparting fragrance to clothing)
 NT—Deodorants, colostomy
 T—Dusting powders
 T—Eyebrow pencils
 T—Eyelash mascara and eyelash and brow dyes
 T—Eye shadows, eyeliner
 T—Face lotions, facial oils, face creams
 T—Face packs
 T—Face powders, in loose or cake and liquid form
 T—Foundation makeup
 T—Freckle removers, vanishing creams
 T—Hair conditioners and rinses
 T—Hairdressings, lotions, tonics, and pomades (regardless of whether they are colored or scented)
 T—Hair dyes, colorings, tints, rinses, and bleaches
 T—Hair gels and mousse
 T—Hair oils
 T—Hair removers
 NT—Hair restorative medications
 T—Hairsprays
 T—Hair straighteners
 T—Hand lotions, creams, and sanitizers
 T—Lip balm and ointments
 T—Lipsticks, lipstick refills, liquid lip color, lip liner, and lip gloss
 T—Lotions, cleansing and beauty
 T—Manicure preparations and kits
 T—Mask preparations
 T—Massage creams
 T—Makeup remover
 T—Mouthwashes
 T—Nail bleaches
 T—Nail polish removers
 T—Nail polishes, nail lacquers, nail enamel
 T—Perfumes and perfume ingredient kits
 T—Perfume novelties, containing perfume
 T—Permanent waving creams, lotions, neutralizer, and kits
 T—Powder bases (liquid, cream, and pressed)
 T—Sachets containing powder or aroma producing materials
 T—Scalp lotions, which are used or intended for use as a

treatment for dry or oily hair
 T—Shampoos
 T—Shaving preparations, creams, lotions, powders, including medicated preparations
 T—Skin balms, bleaches, creams, fresheners, lotions, oils, tonics, or whiteners
 T—Sun allergy cream
 T—Sunburn preventives—suntan creams, lotions, oils, sunblock, etc.
 NT—Sunburn treatment, lotions or creams
 T—Talcum powder
 NT—Toothbrush, electric
 NT—Toothbrush, toothpaste, tooth cleaners, dental floss, and replacement brushes for electric toothbrush
 T—Water Piks
 T—Wave set, paste, powder, or lotion
 T—Wrinkle removing and concealing preparations

(5) *Farming Supplies and Equipment*

The tax is not imposed upon the sale of property to a farmer to be used or consumed directly in the business of producing agricultural products. Home gardening is not considered farming. See REV-1729, Tax Information for Farmers, for additional information.

NT—Artificial breeding equipment and supplies
 NT—Blacksmith/farrier services for commercial race-horses or horses used directly in farming
 T—Building supplies and materials used to build and repair barns, sheds, coops, etc.
 NT—Cleaners and disinfectants used in cleaning milking equipment and to sterilize milk cans to prevent spoilage. (Property used for general farm cleaning and maintenance is taxable)
 NT—Equipment used to extract a product from productive animals or from the soil, such as harvesters, combines, binders, forage blowers, milking equipment, egg collecting equipment, corn shuckers, threshers, manure handling equipment
 NT—Equipment such as barn shovels, ensilage forks, wheelbarrows and feed carts
 NT—Feed and feed additives for productive animals
 *T—Fencing
 NT—Fertilizer and chemical additives to be added to soil
 T—Fire prevention and safety equipment
 NT—Fuel for use in heating poultry brooder and green-houses
 NT—Fumigation services upon agricultural commodities or containers used for agricultural commodities
 T—Greenhouses and mushroom houses (if permanently installed to the real estate)
 NT—Grooming materials, equipment, and supplies when necessary for the health of productive animals
 NT—Harnesses used to control productive animals on the farm
 NT—Ice
 NT—Livestock equipment to dispense chemicals, medicines, and feed additives
 NT—Livestock feeding equipment such as tubs, buckets, cans, etc., feed scoops, and portable watering devices
 T—Maintenance facilities including tools, machinery and equipment to maintain machinery, equipment or building property, such as chain hoists, tire spreaders, drills, sanders, lumber, nails, wrenches, brooms, welding equipment, paint brushes and sprayers
 NT—Milk strainers and strainer discs and towels (dispensers to store and dispense the discs are taxable)
 T—Motor vehicles, if required to be licensed by the Dept. of Transportation
 NT—Pest control services for agricultural purposes
 NT—Property which becomes an ingredient or constituent

of a farm product or is consumed by productive animals or plant growth, such as seeds, fertilizer, chemical additives, etc., and property such as seeders, planters, plows, harrows, cultivators, sprayers, and similar equipment used to till soil, plant, seed, and care for productive plants.

NT—Property used to handle, store, or preserve farm products or productive animals on farm premises such as chemicals, grooming equipment (dehorner, debeakers, hoof trimmers, calf weaners, etc.)
 T—Property used to transport or convey the farm product after the final farming operation
 NT—Refrigeration or cooling equipment used to store farm products
 NT—Replacement parts such as tires, motors, belts, cutting edges, air filters, gears, and similar replacement parts installed on exempt equipment. Motor fuels, lubricants, compressed air, distilled water, abrasives, and similar supplies when used in operating exempt machinery are not taxable. Tools and equipment to apply parts and supplies are taxable.
 NT—Seeds
 NT—Silos
 T—Water heater for cleaning dairy equipment and supplies
 NT—Water pump for farm use
 NT—Wrapping supplies and containers which are non-returnable to deliver self-produced farm products.

(6) *Flowers, Seeds, Fertilizers, etc.*

The tax is imposed upon the sale of property which is purchased by persons not engaged in the business of farming.

T—Fertilizer, sprays, insecticides
 T—Gardening supplies
 T—Seeds and bulbs
 T—Vegetable seeds, vegetable plants, flowers, and fruit trees
 NT—Vegetable seeds, vegetable plants, and fruit trees purchased with food stamps

(7) *Food and Beverages Sold From a Caterer or Establishment Serving Ready-to-Eat Food*

Generally, tax is imposed on food and beverages for consumption on or off the premises, or on a take-out or to-go basis, or delivered to the purchaser or consumer, when purchased from a caterer or an eating establishment from which ready-to-eat foods and beverages are sold, such as a restaurant, cafe, lunch counter, private or social club, tavern, dining car, hotel, night club, fast food operation, pizzeria, fair, carnival, lunch cart, ice cream stand, snack bar, lunch truck, cafeteria, employee cafeteria, theatre, stadium, arena, amusement park, juice stand, carryout shop, coffee shop, popcorn stand, and other establishments, whether mobile or immobile.

NT—Alcohol, malt or brewed beverages, and wines. Tax is paid at time of purchase from a Liquor Control Board store or licensed malt beverage distributor.
 NT—Candy and gum
 T—All food and beverages, in any quantity, including both food and beverages prepared on the premises, and prepackaged food and beverages.
 T—Food supplements and substitutes
 NT—Ice
 T—Nonalcoholic beverages
 NT—Water

(8) *Food and Beverages Sold From Other Than a Caterer or Establishment Selling Ready-to-Eat Food*

A vending machine, delicatessen, grocery store, super-market, farmers market, bakery, donut shop, pastry shop, convenience store and other similar establishments selling the following taxable items, whether sold for consumption on or off the premises or on a take-out or to-go basis, or delivered is considered to be an eating establishment:

- *NT—Beer, six packs (unless sold by a distributor)
- NT—Bitters and grenadine
- T—Brewed coffee
- NT—Candy apples
- NT—Candy and gum
- NT—Caramel corn
- **NT—Coffee beans, whole bean or ground
- NT—Coffee, cold bottled, and flavored
- *T—Coffee, hot
- NT—Deli items such as meats and cheeses, potato salad, macaroni salad, etc.
- NT—Food, fruit drinks, soft drinks, and sandwiches purchased with food stamps
- NT—Food supplements in any form
- NT—Fruit drinks, noncarbonated or reconstituted, containing at least 25% natural fruit juice
- T—Fruit drinks, noncarbonated or reconstituted, containing less than 25% natural fruit juice
- T—Hot beverages
- T—Hot food items
- T—Hot soup
- T—Hot pizza
- NT—Ice
- T—Ice cream, yogurt, and other ice based products when hand dipped or hand served
- T—Kettle Korn
- T—Kool Aid
- T—Meals—not including prepackaged frozen Meals
- **NT—Milk
- T—Nonalcoholic beverages
- NT—Party trays, vegetable, cheese, seafood, meat
- T—Pumpkins—for decoration
- NT—Pumpkins—for food
- T—Salad bars, self-service
- T—Sandwiches
- T—Soft drinks, bottled and nonbottled (including soft drink mixes and powder, liquid or tablet form)
- NT—Soy milk
- T—Sports drinks
- **T—Sushi
- NT—Sweeteners, artificial
- NT—Tea, all forms including liquid and powdered tea
- NT—Water, including nonflavored mineral water
- *T—Water, flavored, including vitamin water

(9) *Hair Goods and Notions*

Generally, hair goods are taxable unless the item qualifies as clothing.

- T—Hair goods and notions, such as barrettes, hair pins, hair nets, curlers, clips, hair bow holders, combs, brushes, chignons, bandeaux
- T—Shower caps
- T—Wigs and toupees (the service of cleaning, styling, etc., also is taxable)

(10) *Hobby Supplies, Toys, Games, Radios, etc.*

- T—Audio players, components and accessories, records, compact discs
- T—Baseball, football cards, etc.
- T—Bicycles and parts

- T—Boats and equipment
- T—Computer games and equipment
- T—Games
- T—Hobby supplies
- T—Musical instruments and sheet music
- T—Photographic and projection equipment and supplies
- T—Photographic services, film developing, printing, processing, mounting, coloring, etc.
- T—Playing cards
- T—Pocket knives
- T—Radios, TV sets, receiving equipment
- T—Tape recorders and tapes
- T—Toys
- T—Video cassettes and discs, recorders, and cameras

(11) *Home Sewing, Millinery and Craft Supplies*

Goods and items which are to become a component part of clothing are not taxable. Goods and items which become a component of articles other than clothing, such as formal wear and crafts, are taxable. Equipment and supplies used in sewing are taxable. Clothing is defined as articles designed for everyday wear.

- T—Artificial flowers
- NT—Buckles for clothing
- T—Buckles for articles other than clothing
- NT—Buttons for clothing
- T—Buttons for articles other than clothing
- T—Dress forms
- NT—Dress patterns
- NT—Fabrics for clothing
- T—Fabrics for articles other than clothing
- NT—Dye, clothing fabric
- NT—Elastics for clothing
- T—Elastics for articles other than clothing
- NT—Embroidery of clothing
- T—Embroidery hoops
- T—Embroidery of formalwear and other items
- NT—Hooks and eyes for clothing
- T—Hooks and eyes for articles other than clothing
- NT—Knitting yarn for clothing
- T—Knitting yarn for articles other than clothing
- NT—Laces, ribbons, edgings, trimmings for clothing
- T—Laces, ribbons, edgings, trimmings for articles other than clothing
- T—Needle-craft instruction books
- T—Needles
- T—Rug yarns
- T—Scissors
- T—Sewing kits
- NT—Shoulder pads
- T—Tape measures
- T—Thimbles
- NT—Thread for clothing
- T—Thread for articles other than clothing
- NT—Yard goods for clothing
- T—Yard goods for articles other than clothing
- T—Yarn holders
- NT—Zippers for clothing
- T—Zippers for articles other than clothing

(12) *Household Goods and Supplies*

- T—Air fresheners
- T—Ant traps
- T—Basin stoppers
- T—Batteries
- T—Bedding
- T—Books
- T—Boot caddy
- T—Brooms
- T—Buckets

T—Candles
 T—Charcoal
 T—Cloth dish towels
 T—Cloth hand and bath towels
 T—Cloth laundry bags
 T—Clothesline
 T—Clothespins
 T—Coat hangers
 T—Cookware, pots and pans
 T—Cutlery
 T—Decorations
 T—Dinnerware
 T—Dishpans
 T—Dispensers
 T—Door mat
 T—Drinking glasses
 T—Easter egg color/paint
 T—Extension cords
 T—Filters, disposable air
 T—Fire extinguishers
 T—Fly swatters
 T—Fly tapes
 T—Furnishings, appliances, fittings, ornaments, furniture, equipment, and accessories. Furnishings including bedding, rugs, lamps, hardware, electrical goods, mirrors, pillows, scarves for furniture, bookends, clocks, glassware, crockery, silverware, flatware, and other household wares.

T—Fuses
 T—Glue
 T—Grill utensils, scrapers
 T—Grill replacement parts
 T—Hardware and tools
 T—Household linens, blankets
 T—Insecticide sprays
 T—Ironing board and covers
 T—Jars for canning and jar lids
 T—Light bulbs
 T—Lubricating oils
 T—Matches
 T—Metal and plastic cooking utensils and flatware
 T—Mops
 T—Moth balls and moth flakes
 T—Mouse traps
 T—Needles
 T—Notebooks
 T—Oilcloth
 T—Paints, brushes, and painting equipment
 T—Paint removers
 T—Plants, vegetable and flower (see Category 6)
 T—Polishing cloths
 T—Refrigerator deodorants
 T—Rubber gloves
 T—Rug shampoo applicators
 T—Salt, water softeners
 T—Sandpaper
 T—Scrub brushes
 T—Seeds, vegetable and flower (see Category 6)
 T—Shoe brushes
 T—Sponges
 T—Stationery
 T—Static control spray, sheets
 T—Thermometers
 T—Thimbles
 T—Tie racks
 T—Toothpicks
 T—Turpentine and paint thinner
 T—Vacuum bottles
 T—Vacuum cleaner bags, disposable
 T—Vacuum cleaner parts

T—Ventilating fans and equipment
 T—Water filters, replacement
 T—Wax applicators
 T—Wax paraffin

A. Soaps and Detergents

T—Bleaches
 T—Cleaner, septic tank, hand, oven, toilet bowl, or tile
 T—Cleansers
 T—Detergents
 T—Drain opener
 T—Dry cleaning kits
 T—Pre-soaks
 T—Rug shampoo
 T—Soaps, scented and unscented
 T—Softeners (fabric)
 T—Spot removers and stain treatments
 T—Starch
 T—Whiteners

B. Cleaning and Polishing Preparations

T—Car cleaners and waxes
 T—Glass cleaner
 T—Polishes, floor, furniture, silver and similar items
 T—Removers, rust or wax
 T—Scouring pads
 T—Steel wool

C. Paper Goods

T—Cups, paper, plastic or styrene
 NT—Disposable diapers and incontinence products
 T—Drop cloths, paper and plastic
 T—Facial tissue
 T—Filters, coffee
 T—Napkins
 T—Place mats
 T—Plates, paper, plastic, or styrofoam
 NT—Sanitary napkins, tampons, or similar items used for feminine hygiene
 T—Shelf paper, liners
 T—Straws
 T—Tablecloths
 NT—Toilet tissue
 T—Towels
 NT—Wet-wipes

D. Wrapping Supplies

T—Aluminum foil
 T—Food bags
 T—Plastic wraps
 T—Tape, masking, scotch, plastic, freezer, duct
 T—Trash bags, paper and plastic
 T—Twine
 T—Wax paper
 T—Wrapping paper, including gift wrapping, ribbons, etc.

(13) Infant Supplies

T—Accessories, nursing bottles, nipples, teething beads, teethingers
 NT—Bibs
 T—Car seats, infant
 T—Crib blankets
 T—Diaper bags
 NT—Diaper cream
 NT—Diaper pins
 NT—Diapers, cloth and disposable
 NT—Diaper Service
 NT—Formula
 T—Furniture including cribs, high chairs and booster seats
 T—Liners, (nursing bottles)

T—Monitors
 NT—Receiving blankets for infants
 NT—Rubber pants

(14) *Jewelry*

**T—Beads, materials used in jewelry-making
 T—Earring backs
 T—Jewelry, including those with religious symbols incorporated
 T—Ornaments and pins for hats and dresses
 T—Jewelry repair

(15) *Luggage, Handbags, Carrying Bags, Wallets, etc.*

T—Bags, carrying, athletic, book, etc.
 T—Handbags, pocketbooks and purses
 T—Knitting bags
 T—Leather goods, except clothing
 T—Luggage, briefcases
 T—Wallets and billfolds

(16) *Medicine, Drugs and Medical Supplies; Prosthetic and Therapeutic Devices*

The tax is not imposed on prescription or nonprescription medicines and drugs or medical supplies, crutches, and wheelchairs for the use of people with disabilities, artificial limbs, artificial eyes, and artificial hearing devices, when designed to be worn on the person of the purchaser or user, false teeth and materials used by a dentist in dental treatment, eyeglasses, when especially designed or prescribed by an ophthalmologist, oculist or optometrist for the personal use of the owner or purchaser, and artificial braces and supports designed solely for the use of people with disabilities, or any other therapeutic, prosthetic or artificial device designed for the use of a particular individual to correct or alleviate a physical incapacity, including, but not limited to, hospital beds, iron lungs, and kidney machines.

T—Acne cleaners and acne pads
 NT—Acne treatments, lotions, creams
 T—Adhesive removers
 NT—Adhesives used for medical treatment
 T—Air cleaners and electrostatic machines
 NT—Alcohol, rubbing, swabs and wipes
 NT—Analgesics
 NT—Antacids
 NT—Antiseptics, for external use only
 NT—Applicators (See “Cotton applicators”)
 NT—Arch supports
 NT—Arm slings
 NT—Artificial eyes
 NT—Artificial limbs
 NT—Aspirin
 T—Autoclave
 NT—Automobile accessories, when noted by the Department of Transportation upon the motor vehicle operator’s license of the purchaser that such accessories are necessary, and when charges for accessories are stated separately by the vendor on the sales invoice.
 NT—Automobile wheelchair lifts
 T—Baby powder
 NT—Bandages, dressings, gauze, and cotton
 T—Bath tub and bathroom safety devices
 T—Batteries, unless purchased for use in medical equipment and from a medical supply house
 NT—Bed boards
 NT—Bed drain bags
 NT—Bed pans
 NT—Bed trapeze bars
 NT—Benzoin
 T—Bidet toilet seats

T—Blankets
 T—Blood agar plates
 NT—Blood glucose monitors used to treat diabetes (therapeutic devices)
 NT—Blood pack units
 T—Blood pressure testing apparatus
 NT—Bone pins
 NT—Braces and supports worn on the body to correct or alleviate a physical incapacity
 NT—Braille teaching texts
 T—Breast pumps
 NT—Breathing units, intermittent positive pressure
 NT—Burn ointment and lotion
 NT—Calamine lotion
 NT—Canes
 NT—Cardiac emergency kit
 NT—Cardiac pacemakers and electrodes
 NT—Castor oil
 NT—Catheters and accessories
 T—Chemical agents and related supplies for analysis of patients’ specimens
 NT—Cod liver oil
 NT—Colostomy appliances
 NT—Colostomy deodorants
 NT—Commodes, chair bedside
 NT—Commode seats, elevated for use by incapacitated persons
 NT—Contact lenses, and wetting solutions
 T—Contact lenses cleaning solutions
 NT—Corn pads and plasters for the removal of corns
 NT—Cotton applicators, cotton rolls, cotton balls and cotton swabs
 NT—Cough and cold items, cough drops, cough syrups
 NT—Crutches
 NT—Crutch pads
 NT—Defibrillators
 T—Dehumidifiers
 NT—Dental floss
 NT—Dental materials used in dental treatment, including x-ray film, cotton, impression and materials
 T—Dentist chair
 NT—Dentist drills, disposable
 NT—Dentist materials which are transferred to the patient, including dentures, fillings, crowns, inlays, bridges and lingual or palatal bars
 T—Dentist replacement burs, drills, reusable
 NT—Denture products, including denture cleaners and adhesives
 T—Deodorants, personal and room
 T—Diagnostic equipment
 T—Diagnostic glassware and diagnostic testing materials
 NT—Dialysis machines
 NT—Diathermy machines
 NT—Dietary supplements and substitutes, in any form
 NT—Diet pills
 T—Disinfectants
 NT—Drapes, paper
 T—Ear plugs
 T—EKG mounts and EKG paper
 NT—Elastic bandages and braces
 T—Electrocardiocorder
 NT—Emesis basins or pans
 NT—Epsom salts
 T—Esophageal dilator
 T—Eucalyptus oil
 NT—Examining table paper
 T—Exercise equipment, including exercise bikes and treadmill exercisers
 NT—Eye ointment
 NT—Eye pads

- NT—Eye washes
- NT—Eyeglasses, prescription
- NT—False teeth
- NT—First aid kits
- NT—Fluidic breathing assistor
- NT—Food substitutes
- NT—Foot pads, insoles, all types
- NT—Foot products for treatment of infections
- NT—Gauze
- NT—Gloves, surgical, disposable
- NT—Glucose tablets
- NT—Glycerine
- NT—Gowns, medical
- NT—Hearing aids and batteries
- T—Heaters, portable, room
- NT—Heating pads
- NT—Hospital beds, having side rails, electric and non-electric with attachments
- NT—Hot water bottles
- T—Humidifiers
- NT—Hygienic needs, douche powder, vaginal preparations
- NT—Hydrocortisone cream
- NT—Hydrogen peroxide
- NT—Ice bags
- NT—Ileostomy bags
- NT—Incontinence products, including incontinence pants
- NT—Infusion pumps
- NT—Inhalation therapy equipment and equipment used to provide emergency breathing assistance
- NT—Insulin
- T—Intravenous stand
- NT—IUD devices
- T—Laboratory testing and analysis equipment and supplies
- NT—Lactose intolerance medication
- NT—Lamps, ultraviolet and infrared
- NT—Lancets
- NT—Laxatives and cathartics
- **NT—Lice shampoo
- NT—Lifters, patient
- NT—Lubricating jelly
- NT—Lymphedema pumps
- T—MRI equipment
- T—Mattresses, air
- NT—Mattresses, alternating positive pressure
- NT—Mattresses and covers for hospital beds
- T—Medical alert cards
- T—Medical alert systems
- NT—Medicated powder
- NT—Medicine cups, disposable
- T—Microscopes
- NT—Milk of magnesia
- T—Mouthwashes
- NT—Muscle stimulator, electronic for physical therapy
- NT—Nasal cannula
- T—Nasal speculum
- T—Needle holder
- NT—Needles, disposable
- T—Needles and syringes, reusable
- NT—Orthodontic brackets
- T—Orthodontic trays
- NT—Orthopedic splints
- T—Overbed tables
- NT—Oxygen and oxygen equipment, when used for medical treatment
- NT—Pads, moist heat pad, alternating positive pressure pad, flotation pad, lambs wool pad
- NT—Paraffin bath units, standard or portable
- T—Percussors
- NT—Pet medicines
- NT—Petroleum jelly
- NT—Physical therapy equipment, when designed exclusively for use in correcting or alleviating a physical incapacity
- T—Plaque remover
- T—Pore cleaners, medicated, pore strips
- NT—Postural drainage boards
- NT—Postural support chairs
- NT—Pre-moistened wipes
- NT—Prophylactics
- NT—Prostheses (mammary, malar, chin, urinary, incontinence, etc.)
- T—Pumice powder
- NT—Pump, diaphragm, pressure vacuum
- T—Razor blades, unless disposable and used for medical procedure preparation
- NT—Rectal preparations
- T—Safety grab bars
- NT—Sanitary napkins, tampons, and similar items
- T—Sanitizer, air
- T—Sauna baths
- T—Scissors
- T—Shaving products
- T—Sheets, cloth
- NT—Sheets, disposable
- NT—Shoe insoles, orthopedically designed
- NT—Sitz bath
- NT—Smoking deterrents, gum and patch
- T—Soaps
- NT—Specimen containers, disposable
- T—Sphygmomanometer
- T—Sphygmostat
- NT—Stair gliders for persons having a physical disability, installed in the purchaser's home and pursuant to a physician's prescription
- T—Stethoscope
- NT—Styptic pencils
- T—Suction machines and pumps
- NT—Sunburn treatment lotions or creams
- T—Sunglasses (unless prescription)
- T—Suntan lotion, sunblock
- NT—Suppositories
- T—Surgical instruments
- NT—Surgical instruments and supplies, single use disposable
- NT—Surgical masks, disposable
- NT—Sutures
- NT—Syringes, disposable
- T—Syringes, reusable
- T—Tables, bedside
- T—Tables, examining
- T—Talcum powder
- T—Teeth whitening strips
- T—Telecaption equipment
- NT—Test strips used in treatment of diabetes
- T—Testing kits, pregnancy, UTI
- NT—Thermal pads, disposable
- T—Thermometer, medical
- NT—Thermometer covers, disposable
- NT—Tongue depressor, disposable
- NT—Toothache drops
- NT—Toothbrushes
- NT—Toothpaste
- T—Tooth whitening kits
- NT—Tourniquets
- NT—Trachea tubes
- NT—Traction units, including bed stand, anklet, extension, pelvic or cervical units, head holder, fracture unit with trapeze bar set, weights, weight bags, pelvic lacing belt, and over door traction equipment

NT—Tubing, intravenous
 NT—Urine drain bag
 T—Vacutainers
 NT—Vaginal diaphragms
 T—Vapona strips
 T—Vaporizers
 NT—Vitamins
 NT—Walking bars and walkers
 NT—Wheelchairs, manual and motorized, scooters, and batteries
 T—Whirlpool baths and whirlpool pumps
 T—Wigs
 T—X-ray equipment and machines
 T—X-ray film and chemicals not used by dentists

(17) *Miscellaneous*

T—Antiques
 NT—Bullion, investment metal
 NT—Body tattooing and piercing
 NT—Caskets, burial vaults, markers, cremation urns and tombstones for human graves, including foundations
 T—Christmas trees
 T—Coin banks and coin holders
 NT—Coins, investment (numismatic coins and legal tender)
 T—Compressed air, dispensed
 T—Corkage fee
 NT—Coupon books sold to individual consumers
 T—Dry ice, except when sold as an internal packaging material to retailer, manufacturer, or processor
 NT—Safety equipment and devices designed and worn by production personnel employed in manufacturing, processing, mining, public utility, farming, and dairying. Examples: asbestos suits, gloves, aprons, boots, masks, helmets, goggles, and similar items
 T—Equipment and devices worn by nonproduction personnel
 T—Fencing materials
 *NT—Flags of the U.S. and Commonwealth. Bunting and other flags are taxable.
 T—Flags kits, that include poles or brackets
 T—Fuel for motor vehicles, except when subject to Liquid Fuel or Fuel Use Tax
 T—Global positioning satellite, equipment and service
 NT—Gift cards
 NT—Health club membership fees
 T—Hot tubs and spas, regardless of physician recommendation
 T—Lunch kits, vacuum bottles, and replacement parts
 T—Motor vehicle repair services (including labor), accessories, parts, supplies, lubricants, equipment, vehicle and emission inspection
 T—Paper money, which is not legal tender in U.S.A., is taxable on full purchase price
 T—Paper money, which is legal tender in U.S.A., is taxable on amount in excess of face value
 NT—Parking fees
 T—Party favors
 NT—Pony rides and trail rides
 T—Prepaid telephone cards
 T—Religious articles
 T—Scout supplies and training manuals, except when sold to a scout troop
 **T—Sheds, unless purchaser has a building permit
 T—Souvenirs
 T—Stamps, uncanceled U.S.A. stamps are taxable on amount in excess of face value
 T—Stamps, cancelled U.S.A. stamps and all foreign stamps are taxable on the full purchase price

NT—Tanning booth fees
 T—Trading stamp redemption for taxable property

(18) *Optical Goods*

NT—Contact lenses, and wetting solutions
 T—Contact lenses cleaning solutions
 NT—Eyeglasses, prescription
 T—Magnifying glasses
 T—Opera glasses and field glasses
 T—Sunglasses (prescription sunglasses are exempt)

(19) *Pets*

NT—Boarding, sitting, or walking
 T—Clippers and clipper lubricants
 T—Equipment (collars, leashes, etc.)
 T—Farrier services for pet horses
 NT—Flea collars, flea powder, flea and tick soap, and tick sprays
 T—Food, including food supplements and prescription food
 T—Grooming, unless performed by a veterinarian for the purpose of or incidental to medical treatment
 NT—Medicines and medical supplies
 T—Pet caskets and urns
 NT—Pet cremation and burial services
 T—Sale or rental of pets, or adoption from shelters, which includes fees for shots and spaying or neutering
 T—Shampoo
 T—Veterinarian equipment
 NT—Veterinarian services
 T—Vitamins

(20) *Religious Articles*

Bibles, religious publications, and religious articles are subject to tax unless purchased by organizations qualifying as institutions of purely public charities which hold an exemption number prefixed by the number 75, and government entities.

T—Bibles
 T—Candles used in religious worship
 T—Holy water bottles
 T—Clergy vestments and choir and altar server clothing
 T—Nativity scenes
 T—Religious statues, medals and symbols used in religious worship
 T—Religious publications sold by religious groups
 T—Rosaries
 T—Wines used in religious services

(21) *Restaurant Equipment and Supplies*

Equipment, implements and similar property for use in the preparation and service of food is taxable.

T—Carbonator for soda fountain operation
 NT—Carbon dioxide for soda fountain
 NT—Chef Hats
 T—Disposable trays
 T—Equipment used to prepare and serve food and beverages
 T—Ice making equipment
 T—Latex gloves
 T—Napkins, wooden or plastic spoons, forks, straws, and similar articles for use in restaurants, vending machines, and other eating places
 T—Placemats
 T—Toothpicks
 T—Vending machines and equipment
 NT—Work uniforms
 NT—Wrapping supplies, paper or plastic plates, cups, and similar articles for the delivery of food, used by restaurants or in vending machines

(22) *Shoes and Shoe Accessories*

Generally shoes designed for everyday wear are exempt. However, shoes designed for formal wear or sporting activities are taxable.

T—Bathing (swimming) shoes
 NT—Overshoes
 NT—Safety shoes
 T—Shoe brushes, applicators, and shoe trees
 T—Shoe clips
 NT—Shoe dye
 NT—Shoe laces
 NT—Shoe polish
 NT—Shoe repairs
 T—Shoes for baseball, bowling, football, golf, soccer, hockey, dance, etc.
 T—Shoes for formal wear, such as metallic cloth, brocade, satin, or silver leather, primarily for formal wear.
 NT—Slippers
 NT—Shoe soles and heels for shoe repair
 NT—Shower clogs
 NT—Sneakers, jogging, tennis and aerobic shoes
 **NT—Toe sneakers

(23) *Sporting Equipment, Clothing, Supplies and Recreational Equipment*

Tax is imposed on sporting and recreational equipment, clothing and supplies which are designed to be worn and are normally worn only when engaged in sports.

T—Accessories such as ammunition belts, hip waders, and fly vests
 **T—Ballet shoes
 NT—Baseball caps and tee shirts
 T—Bathing caps
 T—Bathing suits
 T—Beach coats
 T—Bicycles, parts, accessories, and supplies
 T—Boats, pleasure boats, and equipment and parts
 NT—Bowling shirts
 T—Bowling shoes, purchase and rental
 T—Equipment and supplies for baseball, football, hockey, basketball, and other sports
 T—Exercise equipment
 T—Guns and ammunition

NT—Gym suits, outfits
 T—Helmets
 T—Hunting accessories
 NT—Hunting clothing, including camouflage and blaze orange
 NT—Jogging outfits, running shoes
 T—Mats, floor
 T—Protective equipment, knee pads, elbow pads, forearm pads, etc.
 T—Sleeping bags
 NT—Sneakers, jogging, tennis and aerobic shoes, etc.
 NT—Snowmobile suits
 T—Uniforms, baseball, football, soccer, basketball, hockey etc.
 NT—Warm-up suits, cloth sweat suits
 T—Weights
 T—Skates, ice, roller, in-line and sharpening

(24) *Tobacco Products*

*T—Chewing tobacco, all types
 T—Cigarettes, little cigars
 **T—Cigars, all types
 T—Smoking accessories
 *T—Tobacco, all types

(25) *Utilities and Fuel*

NT—Coal
 NT—Coin-operated telephone charges
 T—Corn and corn pellets
 T—Firelogs, processed
 NT—Firewood, kindling and wood pellets for residential use
 NT—Fuel oil, gas, steam, or electricity purchased for residential use
 T—Fuel oil, gas, steam, or electricity purchased for commercial use
 T—Interstate and intrastate telephone services for residential or commercial use
 NT—Basic telephone service and subscriber line charges for residential use
 T—Basic telephone service and subscriber line charges for commercial use
 T—Utilities for office or business within home

(26) *Tires and Motor Vehicle Leases and Rentals*

Subject to Public Transportation Assistance Fund Taxes and Fees (PTA) (61 Pa. Code § 47.19).

The following items are subject to a Public Transportation Assistance Fund Taxes or Fees as follows. The tax or fee is in addition to any Sales or Use Tax which may be due. However, the Sales, Use, PTA Taxes or PTA Fees shall not be included within the tax base when imposing such taxes or fees.

| <i>Item</i> | <i>PTA Tax/Fee</i> | <i>Exemption</i> |
|--|---|--|
| Tires, new tires for highway use (used tires and tires for off highway use are not subject to the fee) | \$1 fee upon the sale of each new tire. | Exempt only if purchased by a government entity. |
| Rentals of Motor Vehicles (the term rental shall mean the transfer of the possession of a motor vehicle for a period of less than 30 days) | \$2 fee upon each rental day or part thereof. | Exempt, if lessee qualifies for Sales Tax Exemption. |

| <i>Item</i> | <i>PTA Tax/Fee</i> | <i>Exemption</i> |
|--|--|--|
| Leases of Motor Vehicles (the term lease shall mean the transfer of possession of a motor vehicle for a period of 30 or more days) | 3% tax upon the total lease payment including down payment and accelerated lease payments. | Exempt, if lessee qualifies for Sales Tax Exemption. |

(27) *Vehicle Rental Tax (VRT)*
(61 Pa. Code § 47.20)

Rental companies that have available for rental 5 or more motor vehicles designed to carry 15 or less passengers, or a truck, trailer, or semi-trailer used in the transportation of property, other than commercial freight that is rented without a driver, are responsible for collecting an additional 2% tax. This tax is imposed on the purchase price, as calculated for Sales Tax purposes, of each rental contract for a period of 29 consecutive days or less. The VRT is separate from, and in addition to, any applicable state or local Sales Tax or the \$2.00 daily PTA fees.

Rental companies may claim a refund up to the amount of tax remitted for licensing and titling fees paid to the Commonwealth during a previous calendar year.

DANIEL MEUSER,
Secretary

[Pa.B. Doc. No. 12-2503. Filed for public inspection December 21, 2012, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Approved Speed-Timing Devices and Appointment of Maintenance and Calibration Stations

The Department of Transportation (Department), Bureau of Motor Vehicles (Bureau), under 75 Pa.C.S. § 3368 (relating to speed timing devices), has approved for use, until the next comprehensive list is published, subject to interim amendment, the following electronic speed-timing devices (radar); electronic speed-timing devices (nonradar), which measure elapsed time between measured road surface points by using two sensors; and electronic speed-timing devices (nonradar), which calculate average speed between any two points.

Under 75 Pa.C.S. § 3368(c)(2), the Department has approved, for use only by members of the State Police, the following electronic speed-timing devices (radar) when used in the stationary mode only:

(1) Falcon Radar (identified on the radar housing as FALCON). Manufactured by Kustom Signals, Incorporated, 9325 Pflumm, Lenexa, KS 66215.

(2) Falcon HR—Hand-held model. Manufactured by Kustom Signals, Incorporated, 9325 Pflumm, Lenexa, KS 66215.

(3) KR-10, Stationary Radar (identified on the radar housing as KR-10). Manufactured by Kustom Signals, Incorporated, 9325 Pflumm, Lenexa, KS 66215.

(4) KR-10, Stationary Radar (identified on the radar housing as KR-10). Manufactured by Kustom Electronics, Incorporated, 8320 Nieman Road, Lenexa, KS 66214.

(5) KR-10SP, Stationary Radar (identified on the radar housing as KR-10SP). Manufactured by Kustom Signals, Incorporated, 9325 Pflumm, Lenexa, KS 66215.

(6) KR-10SP, Stationary Radar (identified on the radar housing as KR-10). Manufactured by Kustom Electronics, Incorporated, 8320 Nieman Road, Lenexa, KS 66214.

(7) Pro 1000(DS), Manufactured by Kustom Signals, Incorporated, 1010 West Chestnut, P. O. Box 947, Chanute, KS 66720.

(8) Genesis-I. Manufactured by Decatur Electronics, Incorporated/a Soncell NA Company 3433 East Wood Street, Phoenix, AZ 85040.

(9) Genesis-II Select. Manufactured by Decatur Electronics, Incorporated/a Soncell NA Company, 3433 East Wood Street, Phoenix, AZ 85040.

(10) Genesis Handheld (GHS). Manufactured by Decatur Electronics, Incorporated/a Soncell NA Company 3433 East Wood Street, Phoenix, AZ 85040.

(11) Genesis GHD Hand-held model. Manufactured by Decatur Electronics, Incorporated/a Soncell NA Company 3433 East Wood Street, Phoenix, AZ 85040.

(12) Genesis GVP-D battery operated model. Manufactured by Decatur Electronics, Incorporated/a Soncell NA Company 3433 East Wood Street, Phoenix, AZ 85040.

(13) Raptor RP-1. Manufactured by Kustom Signals Incorporated, 9652 Loiret Boulevard, Lenexa, KS 66219.

(14) Scout Handheld. Manufactured by Decatur Electronics, Incorporated/a Soncell NA Company, 3433 East Wood Street, Phoenix, AZ 85040.

(15) Stalker Dual. Manufactured by Applied Concepts, Incorporated, 2609 Technology Drive, Plano, TX 75074.

(16) Stalker Dual SL. Manufactured by Applied Concepts, Incorporated, 2609 Technology Drive, Plano, TX 75074.

(17) Stalker Dual DSR. Manufactured by Applied Concepts, Incorporated, 2609 Technology Drive, Plano, TX 75074.

(18) Stalker. Manufactured by Applied Concepts, Incorporated, 2609 Technology Drive, Plano, TX 75074.

(19) Eagle Plus. Manufactured by Kustom Signals, Incorporated, 9325 Pflumm, Lenexa, KS 66215-3347.

Under 75 Pa.C.S. § 3368(c)(3), the Department has approved, for use by any police officer, the following electronic speed-timing devices (nonradar) which measure elapsed time between measured road surface points by using two sensors:

(1) Electrical Speed Timing System. Manufactured by Richard Hageman, 98 South Penn Dixie Road, Nazareth, PA 18064.

(2) Model TK 100, Excessive Speed Preventor. Manufactured by Systems Innovation, Incorporated, Steam Hollow Road, R. D. 2, Hallstead, PA 18822.

(3) Model TK 100, Excessive Speed Preventor. Manufactured by Targetron, Incorporated, 190 Angletown Road, Muncy, PA 17756.

(4) Speed Chek (identified on the housing as Speed Chek model one, Mfd. for: The Union Agency, Unionville, PA 19375). Manufactured by Sterner Lighting Systems, Incorporated, 351 Lewis Avenue, Winsted, MN 55395.

(5) Model TK 100, Excessive Speed Preventor Infrared. Manufactured by Systems Innovation, Incorporated, Steam Hollow Road, R.D. 2, Hallstead, PA 18822.

(6) Model TK 100, Excessive Speed Preventor Infrared. Manufactured by Targetron, Incorporated, 190 Angletown Road, Muncy, PA 17756.

(7) Enradd, Model EJU-91. Manufactured by Y.I.S. Incorporated, 1100 North Hartley Street, York, PA 17404.

(8) Enradd, Model EJU-91 with Non-Contact Road Switch System. Manufactured by Y.I.S. Incorporated, 1100 North Hartley Street, York, PA 17404.

(9) Enradd, Model EJU-91 Wireless System. Manufactured by Y.I.S. Incorporated, 1100 North Hartley Street, York, PA 17404.

Under 75 Pa.C.S. § 3368(c)(1) and (3), the Department has approved the use of electronic and mechanical stopwatches as speed-timing devices for use by any police officer. The Department has approved these speed-timing devices upon submission of a certificate of stopwatch accuracy indicating that a stopwatch has been successfully tested in accordance with the requirements of 67 Pa. Code Chapter 105 (relating to mechanical, electrical and electronic speed-timing devices). The Department issues an approved speed-timing device certificate for the device, as required by 67 Pa. Code § 105.72 (relating to equipment approval procedure). The Department does not publish a listing of these approved speed-timing devices because they are approved individually by serial number and police department. Therefore, if a citation is contested, it is necessary for the police department to show both the certificate of stopwatch accuracy, which was issued within 60 days of the citation, and an approved speed-timing device certificate issued by the Bureau.

Under 75 Pa.C.S. § 3368(c)(3), the Department has approved, for use by any police officer, the following electronic speed-timing device (nonradar) which calculates average speed between any two points:

(1) VASCAR-plus. Manufactured by Traffic Safety Systems, a division of Power Systems & Controls, Incorporated, 3206 Lanvale Avenue, Richmond, VA 23230.

(2) VASCAR-plus II. Manufactured by Traffic Safety Systems, a division of Power Systems & Controls, Incorporated, 3206 Lanvale Avenue, Richmond, VA 23230.

(3) VASCAR-plus III. Manufactured by Traffic Safety Systems a division of Power Systems & Controls, Incorporated, 3206 Lanvale Avenue, Richmond, VA 23230.

(4) VASCAR-plus IIIc. Manufactured by Traffic Safety Systems a division of Power Systems & Controls, Incorporated, 3206 Lanvale Avenue, Richmond, VA 23230.

(5) V-SPEC—Manufactured by Y.I.S. Incorporated, 1100 North Hartley Street, York, PA 17404.

(6) Tracker by Patco. Manufactured by Kustom Signals, Incorporated, 9325 Pflumm, Lenexa, KS 66215.

The Department, under 75 Pa.C.S. § 3368(d) has appointed the following stations for calibrating and testing speed-timing devices until the next comprehensive list is published, subject to interim amendment.

The Department has appointed, under 75 Pa.C.S. § 3368(d), the following official Electronic Device Testing Stations for radar devices, which may only be used by members of the State Police:

Davidheiser's Speedometer Repair, Incorporated, 181 Ridge Road, Telford, Montgomery County, PA 18969. (Appointed: 12/22/01, Station R8).

Guth Laboratories, Incorporated, 590 North 67th Street, Harrisburg, Dauphin County, PA 17111-4511 (Appointed: 01/27/97, Station R2).

S & D Calibration Services, 29 Prosperity Street, Monongahela, Washington County, PA 15063. (Appointed: 08/15/03, Station R11).

Simco Electronics, 2125 South West 28th Street, Allentown, Lehigh County, PA 18103. (Appointed: 09/19/96, Station R9).

Wisco Calibration Services, Inc., 820 Washington Boulevard, Pittsburgh, Allegheny County, PA 15206. (Appointed: 07/14/99, Station R10).

Y.I.S., Inc., 1100 North Hartley Street, York, York County, PA 17404. (Appointed: 01/14/75, Station R3).

Y.I.S./Cowden Group, Inc., 1100 North Hartley Street, York, York County, PA 17404. (Appointed: 8/20/04 Station R12).

The Department has appointed, under 75 Pa.C.S. § 3368(b), the following Official Speedometer Testing Stations:

Auto Electric & Speedometer Service, 7019 Beaver Dam Road, Levittown, Bucks County, PA 19057. (Appointed: 03/14/74, Station S54).

Briggs-Hagenlocher, 1110 Chestnut Street, Erie, Erie County, PA 16501. (Appointed: 03/25/93, Station S39).

Davidheiser's Speedometer Repair, Incorporated, 181 Ridge Road, Telford, Montgomery County, PA 18969—Also authorized to use mobile units. (Appointed: 11/25/63, Station S19).

George's Garage, 868 Providence Road, Scranton, Lackawanna County, PA 18508. (Appointed: 04/15/98, Station S8).

K & M Automotive Electric Service, 1004-24th Street, Beaver Falls, Beaver County, PA 15010. (Appointed: 11/13/67, Station S23).

Mahramus Specialty Auto Service, 286 Muse Bishop Road, Canonsburg, Washington County, PA 15317. (Appointed: 01/03/84, Station S7).

Maruti Auto Service, Inc., 4030 New Falls Road, Bristol, Bucks County, PA 19007. (Appointed 11/4/2008, Station S11).

Powl's Speedometer Service, Incorporated, 2340 Dairy Road, Lancaster, Lancaster County, PA 17601—Also authorized to use mobile units. (Appointed: 06/09/97, Station S82).

Rabold's Services, 2034 Boas Street, Harrisburg, Dauphin County, PA 17103—Also authorized to use mobile units. (Appointed: 06/29/62, Station S67).

S & D Calibration Services, 1963 Route 837, Monongahela, Washington County, PA 15063—Also authorized to use mobile units. (Appointed: 03/22/83, Station S35).

Y.I.S./Cowden Group Inc., 1100 North Hartley Street, York, York County, PA 17404—Also authorized to use mobile units. (Appointed: 8/20/04, Station S9).

The Department has appointed, under 75 Pa.C.S. § 3368(d), the following official Electronic Device Testing Stations for non-radar devices, which measure elapsed time between measured road surface points by using two sensors:

Davidheiser's Speedometer Repair, Incorporated, 181 Ridge Road, Telford, Montgomery County, PA 18969—Also authorized to use mobile units. (Appointed: 04/07/93, Station EL3).

Rabolds Services, 2034 Boas Street, Harrisburg, Dauphin County, PA 17103—Also authorized to use mobile units. (Appointed: 02/27/92, Station EL22).

S & D Calibration Services, 29 Prosperity Street, Monongahela, Washington County, PA 15063—Also authorized to use mobile units. (Appointed: 03/14/02, Station EL1).

S & D Calibration Services, 115 Joyce Drive, McMurray, Washington County, PA 15317—Also authorized to use mobile units. (Appointed: 09/14/82, Station EL11).

Targetron, Incorporated, 190 Angletown Road, Muncy, Lycoming County, PA 17756—Also authorized to use mobile units (Appointed: 05/07/91, Station EL21).

Mahramus Specialty Auto Service, 286 Muse Bishop Road, Cannonsburg, Washington County, PA 15317. (Appointed: 07/31/97, Station EL18).

Y.I.S./Cowden Group, 1100 North Hartley Street, York, York County, PA 17404—Also authorized to use mobile units. (Appointed: 02/20/80, Station EL7).

The Department has appointed, under 75 Pa.C.S. § 3368(d), the following Official Stopwatch Testing Stations:

Cal Tech Labs, 501 Mansfield Avenue, Pittsburgh, Allegheny County, PA 15205. (Appointed: 12/22/07, Station W70).

Department of General Services, Bureau of Procurement, 2221 Forster Street Harrisburg, Dauphin County, PA 17125. (Appointed: 03/09/79, Station W18).

Davidheiser's Speedometer Repair, Incorporated, 181 Ridge Road, Telford, Montgomery County, PA 18969—Also authorized to use mobile units. (Appointed: 10/28/77, Station W29).

Leitzel's Jewelry, 607 East Lincoln Avenue, Myerstown, Lebanon County, PA 17067. (Appointed: 09/01/87, Station W58).

Precision Watch Repair Company, 1015 Chestnut Street, Room 1010, Philadelphia, Philadelphia County, PA 19107. (Appointed: 09/24/80, Station W54).

Rabold's Services, 2034 Boas Street, Harrisburg, Dauphin County, PA 17103—Also authorized to use mobile units. (Appointed: 09/15/86, Station W56).

R & R Timing, 203 Shuster Hollow Road, Leechburg, Westmoreland County, PA 15656. (Appointed: 6/16/04 Station W10).

S & D Calibration Services, 29 Prosperity Street, Monongahela, Washington County, PA 15063—Also authorized to use mobile units. (Appointed: 03/14/02, Station W1).

S & D Calibration Services, 115 Joyce Drive, McMurray, Washington County, PA 15317—Also authorized to use mobile units. (Appointed: 10/10/89, Station W61).

Servinsky Jewelers, 610 Second Street, Cresson, Cambria County, PA 16630. (Appointed: 05/18/78, Station W40).

Targetron, Incorporated, 190 Angletown Road, Muncy, Lycoming County, PA 17756—Also authorized to use mobile units. (Appointed: 05/07/91, Station W64).

Y.I.S./Cowden Group, 1100 North Hartley Street, York, York County, PA 17404—Also authorized to use mobile units. (Appointed: 08/30/89, Station W60).

The Department has appointed, under 75 Pa.C.S. § 3368(d), the following official Electronic Device Testing Stations for nonradar devices which calculates average speed between any two points:

Davidheiser's Speedometer Repair, Incorporated, 181 Ridge Road, Telford, Montgomery County, PA 18969—Also authorized to use mobile units. (Appointed: 02/11/93, Station EM23).

Rabolds Services, 2034 Boas Street, Harrisburg, Dauphin County, PA 17103—Also authorized to use mobile units. (Appointed: 02/27/92, Station EM22).

S & D Calibration Services, 29 Prosperity Street, Monongahela, Washington County, PA 15063—Also authorized to use mobile units. (Appointed: 03/14/02, Station EM1).

S & D Calibration Services, 115 Joyce Drive, McMurray, Washington County, PA 15317—Also authorized to use mobile units. (Appointed: 09/14/82, Station EM6).

Mahramus Specialty Auto Service, 286 Muse Bishop Road, Canonsburg, Washington County, PA 15317 (Appointed: 08/13/97, Station EM12).

Targetron, Incorporated, 190 Angletown Road, Muncy, Lycoming County, PA 17756—Also authorized to use mobile units. (Appointed: 05/07/91, Station EM21).

Y.I.S./Cowden Group, 1100 North Hartley Street, York, York County, PA 17404—Also authorized to use mobile units. (Appointed: 12/20/80, Station EM5).

Comments, suggestions or questions may be directed to Michael Smith, Manager, Administrative and Technical Support Section, Vehicle Inspection Division, Bureau of Motor Vehicles, Riverfront Office Center, 1101 South Front Street, Harrisburg, PA 17104, (717) 783-7016.

BARRY J. SCHOCH, P.E.,
Secretary

[Pa.B. Doc. No. 12-2504. Filed for public inspection December 21, 2012, 9:00 a.m.]

Finding Venango County

Under section 2002(b) of The Administrative Code of 1929 (71 P.S. § 512(b)), the Director of the Bureau of Project Delivery as delegated by the Secretary of Transportation makes the following written finding:

The Department of Transportation (Department) is planning to replace the Woolen Mill Bridge, which carries Township Route 372 over Lake Creek in Cooperstown Borough, Venango County.

The proposed project will require a use of approximately 0.03 acre from each of two Borough owned parks, Alumni Park and Mitchel Field. The proposed project will

also require the use of the Woolen Mill Bridge, which is eligible for listing on the National Register of Historic Places.

In accordance with section 2002 of The Administrative Code of 1929 establishing the Department, an Environmental Document has been developed for this project. In addition, a "Determination of Section 4(f) De Minimis Use, Section 2002 No Adverse Use" document and a "Nationwide/Programmatic Section 4(f) Evaluation for Projects that Necessitate the Use of Historic Bridges" document have been developed to evaluate the potential environmental impacts caused by the subject project. The Section 4(f) documents also serve as the Section 2002 Evaluation. The approved documents are available in the CE/EA Expert System.

Based upon studies, there is no feasible and prudent alternative to the proposed action. Mitigation measures will be taken to minimize harm as stipulated in the Environmental Document and the Section 4(f)/Section 2002 documents.

The environmental, economic, social and other effects of the proposed project, as enumerated in section 2002 of The Administrative Code of 1929 have been considered. It has been concluded that there is no feasible and prudent alternative to the project as designed and all reasonable steps have been taken to minimize the effects.

CHERYL MOON-SIRIANNI, P.E.,
Acting Director
Bureau of Project Delivery

[Pa.B. Doc. No. 12-2505. Filed for public inspection December 21, 2012, 9:00 a.m.]

FISH AND BOAT COMMISSION

Temporary Changes to Fishing Regulations; Shenango River, Mercer County and Youghio- gheny River, Allegheny, Fayette, Somerset and Westmoreland Counties

The Executive Director of the Fish and Boat Commission (Commission), acting under the authority of 58 Pa. Code § 65.25 (relating to temporary changes to fishing regulations), has taken immediate action to amend 58 Pa. Code § 65.24 (relating to miscellaneous special regulations) to remove Early Season Stocked Trout Water restrictions on the Shenango River, Mercer County, and Youghioghenny River, Somerset, Fayette, Westmoreland and Allegheny Counties. Currently, the Shenango River from the dam downstream to SR 3025, a distance of 1.5 miles and the Youghioghenny River from the Reservoir downstream to the confluence with the Casselman River are subject to the following miscellaneous special regulations in 58 Pa. Code § 65.24:

Closed season on trout: April 1 until 8 a.m., first Saturday after April 11. Daily limit—First Saturday after April 11 until Labor Day: 5 trout per day; day after Labor Day to midnight, March 31 of the following year—3 trout per day. Inland regulations apply to warmwater/coolwater species.

The language of these miscellaneous special regulations is consistent with 58 Pa. Code § 65.10 (relating to Early Season Trout Stocked Waters Program), which allows

fishing on designated waters from March 1 until 12 a.m., March 31, with a daily limit of three combined species during the period from the day after Labor Day until 12 a.m., March 31 of the following year. By notice published at 42 Pa.B. 6737 (October 20, 2012), the Commission previously removed the Shenango and Youghioghenny Rivers from the Early Season Trout Stocked Waters Program, effective January 1, 2013. Therefore, to be consistent with the Commission's prior action, the Executive Director is removing the miscellaneous special regulations on these waters.

The Executive Director will cause these temporary modifications to fishing regulations to be posted in the vicinity of the waters and the modified regulations will be fully effective and enforceable. The Executive Director has found that this action is necessary and appropriate for the management of fish and to conserve and preserve fishing opportunities.

The temporary modifications will go into effect on January 1, 2013, and will remain in effect until the Commission, by appropriate action, amends 58 Pa. Code § 65.24.

JOHN A. ARWAY,
Executive Director

[Pa.B. Doc. No. 12-2506. Filed for public inspection December 21, 2012, 9:00 a.m.]

INSURANCE DEPARTMENT

Allianz Life Insurance Company of North America; Rate Increase Filing for Several LTC Forms

Allianz Life Insurance of Company of North America is requesting approval to increase the premium 25% on 155 policyholders with the following individual LTC policy form numbers: 7-P-Q-PA, 7-P-Q-PA-1, 7-P-F-Q-PA, 7-P-F-Q-PA-1, N-4040-P-PA(Q), N-4040-P-PA(NQ), N-4041-P-PA(Q) and N-4041-P-PA(NQ).

Unless formal administrative action is taken prior to March 7, 2013, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at www.insurance.pa.gov. Under the tab "How to Find . . ." click on the link "PA Bulletin."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg Office.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, jlaverty@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 12-2507. Filed for public inspection December 21, 2012, 9:00 a.m.]

Application for Approval to Acquire Control of Aegis Security Insurance Company and American Sentinel Insurance Company

K2 Insurance Services has filed an application to acquire control of Aegis Security Insurance Company, a Pennsylvania domiciled stock property insurance company, and American Sentinel Insurance Company, a Pennsylvania domiciled stock casualty insurance company. The filing was made under Article XIV of The Insurance Company Law of 1921 (40 P. S. §§ 991.1401—991.1413).

Persons wishing to comment on the acquisition are invited to submit a written statement to the Insurance Department (Department) within 5 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557 or rbrackbill@pa.gov.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 12-2508. Filed for public inspection December 21, 2012, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The Liquor Control Board seeks the following new sites:

Bucks County, Wine & Spirits Store #0909 (Relocation), Newtown, PA 18940

Lease expires: February 28, 2014

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 10,500 to 12,000 net useable square feet of new or existing retail commercial space within a 0.50-mile radius of 200 North Sycamore Street, Newtown, PA

Proposals due: January 11, 2013, at 12 p.m.

Department: Liquor Control Board
Location: Bureau of Real Estate
Real Estate Region #1
7116 Ridge Avenue
Philadelphia, PA 19128-3250
Contact: James M. Bradley
(215) 482-9670
jabradley@pa.gov

Monroe County, Wine & Spirits Store #4511 (Relocation), Brodheadsville, PA 18322

Lease expires: October 31, 2013

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 4,500 to 5,500 net useable square feet of new or existing retail commercial space within a 1.50-mile radius of the intersection of Weir Lake Road and Rt. 209, Brodheadsville, PA

Proposals due: January 11, 2013, at 12 p.m.

Department: Liquor Control Board
Location: Bureau of Real Estate
Central Real Estate Office
Northwest Office Building, RM #313
910 Capital Street
Harrisburg, PA 17124-0001
Contact: Justin Shoemaker
(717) 439-9143
justin@jcbarprop.com

Chester County, Wine & Spirits Store (#TBD) (New Store), Malvern, PA

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 6,000 to 8,000 net useable square feet of new or existing retail commercial space within a 1-mile radius of South Morehall Road and Wyeth Drive, East Whiteland Township, Malvern, PA.

Proposals due: January 11, 2013, at 12 p.m.

Department: Liquor Control Board
Location: Bureau of Real Estate
Real Estate Region #1
7116 Ridge Avenue
Philadelphia, PA 19128-3250
Contact: Eugene Tartaglione
(215) 482-9670
etartaglio@pa.gov

JOSEPH E. BRION,
Chairperson

[Pa.B. Doc. No. 12-2509. Filed for public inspection December 21, 2012, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Petition of the North American Numbering Plan Administrator on Behalf of the Pennsylvania Telecommunications Industry for Approval of Numbering Plan Area Relief Planning for the 570 Numbering Plan Area

Public Meeting held
December 5, 2012

Commissioners Present: Robert F. Powelson, Chairperson; John F. Coleman, Jr., Vice Chairperson; Wayne E. Gardner; James H. Cawley; Pamela A. Witmer

Petition of the North American Numbering Plan Administrator on behalf of the Pennsylvania Telecommunications Industry for Approval of Numbering Plan Area Relief Planning for the 570 NPA; P-2009-2117193

By the Commission:

Before the Commission for its consideration is the Joint Carriers'¹ Petition to Modify the Commission's July 19, 2010 Order implementing area code relief for the 570

¹ Verizon Pennsylvania, Inc., Verizon North LLC, MCImetro Access Transmission Services LLC d/b/a Verizon Access Transmission Services (collectively "Verizon"), AT&T Communications of Pennsylvania, LLC, TCG Pittsburgh, TCG Delaware Valley, Inc., New Cingular Wireless PCS, LLC, d/b/a AT&T Mobility (collectively, "AT&T"), T-Mobile Northeast LLC, VoiceStream Pittsburgh (collectively, "T-Mobile"), Sprint Communications Company, L.P., Sprint Spectrum, L.P., Nextel Communications of the Mid-Atlantic, Inc., and NPCR, Inc. (collectively, "Sprint"), and Verizon Wireless.

Numbering Plan Area (NPA) or area code. Specifically, the Joint Carriers are requesting a limited modification of the July 19, 2010 Order (July 19th Order) in order to extend the customer education and permissive dialing period from three months to six months in light of the extended forecast for the 570 area code. The Commission grants in part and denies in part the Joint Carrier's Petition to Modify.

Background

On June 28, 1996, the telecommunications industry asked the Commission to decide how to relieve the shortage of numbering resources in the original 717 area code as the industry could not reach a consensus. Accordingly, the Commission opened a docket at P-00961071 that ultimately led to the creation of the 570 area code on May 21, 1998.² The 570 NPA was a geographic split³ of the original 717 area code and was activated on April 8, 1999. The geographic area covered by the new 570 area code is comprised of 21 north-central counties and includes the cities of Williamsport, Wilkes-Barre, Hazleton, Scranton, and Stroudsburg.

The North American Numbering Plan Administrator ("NANPA"), NeuStar, Inc. (Neustar), had projected that the 570 NPA would have a life of approximately six years before the numbering resources would exhaust. Nevertheless, on May 4, 2000, or approximately one year later, the Commission was notified that relief planning for the 570 NPA was necessary yet again. According to the NANPA, the projected exhaust date for the 570 area code was now the first quarter of 2002.⁴ Accordingly, a 570 NPA Relief Meeting was held on June 1, 2000, where the industry reached a consensus⁵ to implement an all-services distributed overlay for the 570 area code with implementation of this overlay to begin on October 2, 2000.

On July 19, 2000, NeuStar filed the petition with the Commission requesting approval of its relief plan to implement an overlay for the geographic area covered by the 570 NPA ("July 19th Petition"). After receipt of this petition, the Commission requested comments from interested parties on the July 19th Petition and scheduled public input hearings regarding what type of relief should be implemented in the 570 NPA and when this relief should be implemented.

During the course of its deliberations regarding the July 19th petition, the Commission had received from the Federal Communications Commission ("FCC") the authority to implement such number conservation measures as 1,000-block number pooling⁶ and NXX code reclamation⁷ in the 570 area code.⁸ Furthermore, the FCC had man-

dated that all wireless carriers participate in pooling as of November 24, 2002.⁹ Thus, wireless carriers began participating in Pennsylvania's mandatory pools, including the pool in 570. As a result of the implementation of these various number conservation measures, the 570 area code experienced an unprecedented, efficient use of its numbering resources, which, in turn, lengthened the life expectancy of the 570 area code.

In May of 2003, the NANPA, after taking into account the effects of the number conservation measures, revised the projected exhaust date for the 570 NPA to the third quarter of 2008. A relief plan may be withdrawn prior to its approval if it is determined that the NPA will not exhaust in the next five years.¹⁰ Accordingly, by Order entered August 1, 2003, at P-00961071F002, the Commission concluded that the data on which the 570 relief plan had been filed was outdated and that the various number conservation measures that had been implemented had resulted in more numbers becoming available in the 570 area code. Consequently, the Commission determined that there was good cause to dismiss the July 19th Petition.

Subsequently, on March 30, 2009, the NANPA again notified the Industry and the Commission that it needed to meet to discuss relief alternatives for the 570 NPA. According to the April Number Resource Utilization Forecast ("NRUF") and NPA Exhaust Analysis April 24, 2009 Update ("2009 NRUF Report"),¹¹ the 570 NPA was projected to exhaust all available NXX codes during the third quarter 2011. Further, the 570 NPA was declared to be in jeopardy on April 1, 2009.¹²

The Industry met via conference call May 27, 2009, to discuss various relief alternatives proposed by the NANPA. At this meeting, the NANPA proposed four relief alternatives to alleviate the situation in the 570 NPA. Two of the proposed relief alternatives were two-way geographic splits and the other two were all-services distributed overlays. The industry reached a consensus to recommend an all-services distributed overlay as the form of relief for the 570 NPA for several reasons.

Thereafter, on July 1, 2009, NeuStar filed a petition with the Commission requesting approval of its consensus plan for the 570 Numbering Plan Area ("NPA" or "area code").¹³ By an Order entered July 29, 2009, the Commission denied the industry's overlay recommendation and requested written comments from interested parties on the four relief alternatives that had initially been presented by Neustar to the telecommunications industry. By Order entered December 23, 2009, the Commission scheduled five public input hearings in various cities located throughout the 570 NPA.¹⁴

The Commission reviewed the written comments and the transcripts of the public input hearings regarding

² Petition of NPA Relief Coordinator Re: 717 Area Code Relief Plan, Docket No. P-00961071 (Order entered May 21, 1998).

³ A geographic split occurs when an existing area code is divided into two or more separate geographic areas where one area retains the existing NPA and the others receive new NPAs.

⁴ Pursuant to the INC Guidelines, the NANPA was required to prepare relief options for an NPA that was projected to exhaust within 36 months and to conduct an industry meeting with the goal of reaching industry consensus regarding the form of relief for the area code. See INC Guidelines at §§ 5.0, 5.5.

⁵ A consensus is established when substantial agreement has been reached. Substantial agreement means more than a simple majority, but not necessarily unanimity. CLC Principles and Procedures, May 1998, at § 6.8.8.

⁶ Thousand-block number pooling is the process by which a 10,000 block of numbers is separated into ten sequential blocks of 1,000 numbers and allocated separately to providers within a rate center.

⁷ NXX code reclamation involves the return of unused NXX codes to the NANPA. Within six months of receiving an NXX code, a carrier must assign at least one number to an end user or the entire NXX code must be returned to the NANPA. 47 C.F.R. § 52.15(g)(iii).

⁸ The Commission implemented NXX code reclamation in the 570 NPA in August 2000, while mandatory 1,000-block pooling was implemented in February 2002. See Petition of Representative Keith R. McCall and Members of the Northeast Delegation of the Pennsylvania House of Representatives Requesting that Additional Authority be Delegated to the Pennsylvania Public Utility Commission to Implement Additional Number Conservation Measures, CC Docket No. 99-200 and NSD-L-01-113 (Order released December 28, 2001). By order entered on August 9, 2001, at Docket No.

M-00001427, the Commission, with the consensus of the industry, ordered the implementation of a voluntary pool in 570, which subsequently became mandatory at the direction of the FCC in the *McCall Order*.

⁹ In the Matter of Verizon Wireless' Petition For Partial Forbearance From the Commercial Mobile Radio Services Number Portability Obligation and Telephone Number Portability, WT Docket 01-84, CC Docket No. 95-116 (Order adopted July 16, 2002).

¹⁰ INC Guidelines at § 5.10.

¹¹ Federal rules that went into effect on July 17, 2000, require all carriers to report to the NANPA their historical and forecast utilization data. 47 C.F.R. § 52.15(f). These reports are made semi-annually and are referred to as the "NRUF Reports." Using this data along with the rate of assignment of NXX codes in the NPA, the NANPA predicts the exhaust date for all NPAs in its NPA Exhaust Analysis. These reports can be found at www.nanpa.com.

¹² According to the Central Office Code (NXX) Assignment Guidelines, "A jeopardy condition exists when the forecasted and/or actual demand for NXX resources will exceed the known supply during the planning/implementation interval for relief."

¹³ If the industry reaches a consensus, then its consensus plan is filed with the Commission and the Commission has an opportunity to take action at that point. See NPA Code Relief Planning & Notification Guidelines, INC97-0404-016, reissued November 8, 1999, at § 5.6.

¹⁴ The public input hearings were held in the cities of Wilkes-Barre, Jim Thorpe, Williamsport, Scranton and Lock Haven.

which form of area code relief should be implemented upon exhaust of the 570 NPA and the timeframe for the implementation. Thus, by Order entered July 19, 2010, the Commission directed the implementation of an all-services distributed overlay as the form of area code relief for the 570 NPA. Additionally, the Commission established an implementation schedule for the overlay. The Commission directed that all network preparation for the implementation of the new overlay be completed within eight months or no later than March 1, 2011 at 12:01a.m (EST). Furthermore, the Commission directed Neustar not activate¹⁵ the new NPA or assign any NXX or central office codes from the new overlay until three months to NXX code exhaust in the 570 area code and that once the "three months to exhaust" threshold has been reached, the permissive dialing period may begin, in which the telecommunications industry can start customer education programs for the new NPA.

NANPA informed the Commission that the "272" area code number will be assigned as the overlay code for the 570 area code. On October 26, 2012, the FCC released the latest area code projections set forth in the October 2012 NRUF report. The October 2012 NRUF data indicates that the latest projected exhaust date for the 570 NPA is the third quarter of 2013.

Joint Carriers' Petition

On February 21, 2012, the Joint Carriers filed a petition in which they requested the Commission to modify its implementation schedule for the overlay from the three-month customer education and permissive dialing period to the more generally-accepted industry practice of a six-month customer education and permissive dialing period. The Joint Petitioners assert that their collective experience has shown that six months is the minimum period necessary for customers who are accustomed to dialing seven digits for local calls to adapt to dialing ten digits for such calls before mandatory ten-digit dialing begins. The Joint Carriers further assert that a six-month interval is the minimum amount of time needed by alarm companies to make required changes to customer premises auto-dialers, by businesses and PBX customers to prepare for and make their equipment and data base changes, by consumers to reprogram other types of equipment like life safety systems, speed dialing buttons on home and wireless phone and any remote call forwarding settings, and by carriers to complete preparation for the mandatory dialing change.

The Joint Carriers assert that providing only three months for customer education would disrupt the schedule for staged customer communications and reinforcement messages customers typically receive in overlay implementations, and would essentially limit the industry to a single outreach to customers, instead of the two outreaches that the industry typically has made in other overlay implementations across the country in recent years. The Joint Carriers state that limiting the outreach to only one communication could be detrimental to a smooth customer transition to ten-digit dialing and increase the chances that some customers will not be fully informed. The Joint Carriers state that since the overlay in the 570 NPA will be an initial overlay in the region, it will require a longer permissive dialing and customer education period to acclimate the customers to the change to mandatory ten-digit dialing. The Joint Carriers note that the three other overlays implemented in Pennsylvania (the NPAs 267 and 484 in 1998, and 878 in 2001) all

involved longer customer education and permissive dialing periods than the Commission has permitted here.

The Joint Carriers served the Petition to Modify on various parties including the Office of Consumer Advocate (OCA). The OCA filed its answer to the Petition in which it stated that it supported the Joint Carriers' request that the customer education and permissive dialing period be extended from three months to six months. OCA states that it supports a process that allows consumers greater time to adapt to the ten-digit dialing format. OCA Petition at 3. However, OCA notes that the projected exhaust date for the 570 area code has been modified twice since the issuance of the Commission's July 19th Order. Accordingly, OCA states that the Commission should not identify a specific start date for the six month consumer education and permissive dialing period to begin. Id. at 4.

Discussion

The Joint Carriers are requesting the Commission to modify the implementation schedule for the 272 overlay code that is being imposed over the 570 area code to allow for six months of customer education and permissive dialing instead of just three months. The Commission notes that the OCA supports this proposition.

In the July 1, 2009, petition, the telecommunications industry had reached consensus on a thirteen-month implementation timeframe for the overlay area code being imposed over the 570 area code. At that time, due the timing of its decision on what should be the appropriate form of area code relief for the 570 area code, the Commission purposefully shortened the thirteen-month implementation timeframe. However, the Commission, at this time, is now amenable to extending the customer education and permissive dialing period that had originally been established in its previous order.

The latest NRUF forecast projects indicate that the 570 area code is set to exhaust its remaining NXX codes by the third quarter of 2013. The Commission's past experience with area code overlays is that they have been fully implemented within as little as six months and we note that the network preparation for the 272 overlay code has already been accomplished.

When introducing a new area code, there is an adjustment period commonly known as a permissive dialing period. During the permissive dialing period, customers may reach numbers in the area that is to be overlaid by either dialing the area code plus the number or the old way by using the seven-digit number. During the permissive period, customers are encouraged to make calls using ten-digits. At the end of the permissive period, the mandatory dialing period commences and all calls must be made using the area code plus the seven-digit number. If only the seven-digit number is dialed at this time, the customer will reach a recorded announcement stating they must hang up and redial the number using the area code plus the seven-digit number. This recording will be available permanently.

The Commission agrees with the concept that a longer permissive dialing and customer education period will increase the chances that the customers in the region are fully informed about ten-digit dialing and result in a smoother customer transition to mandatory ten-digit dialing. Accordingly, the Commission will extend the permissive dialing period from three months that had initially been established to the requested six months.

We direct Neustar to continue to provide the Commission with monthly updates on the projected exhaust date

¹⁵ New customers or existing customers requesting additional numbers may be assigned numbers from the new area code upon its activation.

of the 570 NPA. Thereupon, the Commission will inform all NXX code holders in Pennsylvania when the 570 NPA is six months away from exhaust. Once the 'six months to exhaust' threshold mentioned above has been reached, the permissive dialing period will begin and the telecommunications industry can start customer education programs for the new NPA, including the fact that when the new overlay area code is finally activated that the FCC requires that all calls be made dialing ten digits, dialing the area code and the seven-digit number.

However, in view of the well-documented disruption to customers caused by changes in their area code, it is in the public interest to assure that new area codes are opened only when it is necessary, and only after the existing number resources in the existing area code are close to exhaustion. Accordingly, we continue to direct that Neustar not activate the new NPA or assign any NXX or central office codes from the new overlay until three months to NXX code exhaust in the 570 area code. We believe this is sufficient time to ensure that NXX code holders in Pennsylvania will not be without adequate numbering resources to meet customer demand. We also still believe that the requirement of mandatory ten-digit dialing should continue to be suspended for the new overlay NPA until the actual assignment of an NXX code from the new overlay NPA; *Therefore,*

It Is Ordered That:

1. The Joint Carriers' Petition to Modify the Commission July 19, 2010 Order is granted in part and denied in part consistent with the body of this Order.

2. All NXX code holders in Pennsylvania shall not commence their customer education program for the new overlay code until the Commission informs them that the 570 area code will exhaust within six months.

3. From the effective date of this Order, the North American Numbering Plan Administrator shall continue to provide this Commission with monthly updates on the projected exhaust date of the 570 NPA. Time to exhaust in months shall be calculated and based on actual carrier demand for numbers. The monthly updates shall be addressed to Mr. Christopher Hepburn, Bureau of Technical Utility Services.

4. The Commission shall inform all NXX code holders in Pennsylvania when the 570 NPA is six months to NXX code exhaust so that the Commission can ensure that all carriers, including non-pooling carriers, will have non-discriminatory access to numbers when needed to meet customer demand.

5. A copy of this order shall be published in the *Pennsylvania Bulletin* and also posted on the Commission's website at <http://www.puc.pa.gov>.

6. A copy of this order shall be served to all NXX code holders in Pennsylvania, the Office of Consumer Advocate, the Office of Small Business Advocate, the Pennsylvania Telephone Association, and Neustar-NANPA.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 12-2510. Filed for public inspection December 21, 2012, 9:00 a.m.]

Railroad With Hearing

C-2011-2274074. Pittston Township vs. Reading Blue Mountain & Northern Railroad. A complaint filed by Pittston Township alleging the at-grade crossing where Oak Street (SR 2019) crosses the track of Reading Blue Mountain and Northern Railroad in Pittston Township, Luzerne County, is in unsatisfactory condition and presents a safety hazard to vehicular traffic traveling through the crossing.

A hearing on this matter will be held on Wednesday, January 9, 2013, at 10 a.m. in Room 318, Scranton State Office Building, 100 Lackawanna Avenue, Scranton, PA, when and where all persons may appear and be heard, if they so desire.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 12-2511. Filed for public inspection December 21, 2012, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by January 7, 2013. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

Applications of the following for approval to *begin operating as common carriers for transportation of persons as described under each application.*

A-2012-2294868. John D. Hebert, t/a J D Hebert Transportation (149 Lisa Circle, York, York County, PA 17406)—for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in the Counties of Berks, Chester, Cumberland, Dauphin, Juniata, Lancaster, Lebanon, Perry and York, to points in Pennsylvania, and return.

A-2012-2301506. Bonnie L. Anderson (P. O. Box 178, 2478 Route 35 South, East Waterford, Juniata County, PA 17021)—for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in the Counties of Center, Dauphin, Lancaster, Northumberland and Perry, to points in Pennsylvania, and return.

A-2012-2325962. Signature Sedan Service, Inc. (3103 Philmont Avenue, Suite 400, Huntingdon Valley, Montgomery County, PA 19006) for the right to begin to transport, as a common carrier by motor vehicle, persons

in limousine service, between points in the Counties of Bucks, Chester, Delaware, Lehigh and Montgomery.

A-2012-2326022. Denise Barrett, t/a Luv & Care Transportation Services (3601 Conshohocken Avenue, Apartment 424, Philadelphia County, Philadelphia, PA 19131), for the right to begin to transport as a common carrier, by motor vehicle, persons in paratransit service between points in Pennsylvania, and return.

Applications of the following for the approval of the right and privilege to *discontinue/abandon* operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under each application.

A-2012-2324082. Honesdale Volunteer Ambulance Corps, Inc., t/a Honesdale EMS, a 501(c)(3) non-profit corporation of the Commonwealth of Pennsylvania (3298 Lake Ariel Highway, Honesdale, Wayne County, PA 18431)—for the discontinuance of service and cancellation of the certificate as a common carrier, by motor vehicle, primarily wheelchair bound persons for both medical and nonmedical reasons, in paratransit service, from points in Pike and Wayne Counties, to points in Pennsylvania, and return.

A-2012-2326281. Eugene R. Mowery (23 Dennis Drive, New Providence, Lancaster County, PA 17560)—for the discontinuance of service and cancellation of his Certificate of Public Convenience as a common carrier, by motor vehicle, at A-00119508 authorizing the transportation of persons in paratransit service, whose personal convictions prevent them from owning or operating motor vehicles, between points in the County of Lancaster, and from points in said county, to points in Pennsylvania and return.

A-2012-2328427. South Central Emergency Medical Services, Inc. (8065 Allentown Boulevard, Harrisburg, Dauphin County, PA 17112)—for the discontinuance of service and cancellation of its Certificate of Public Convenience as a common carrier, by motor vehicle, at A-00118278 authorizing the transportation of persons in paratransit service, between points in the County of Dauphin, and from points in said county, to points in Pennsylvania, and return.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 12-2512. Filed for public inspection December 21, 2012, 9:00 a.m.]

Smart Meter Procurement and Installation

Public Meeting held
December 5, 2012

Commissioners Present: Robert F. Powelson, Chairperson;
John F. Coleman, Jr., Vice Chairperson; Wayne E.
Gardner; James H. Cawley; Pamela A. Witmer

Smart Meter Procurement and Installation;
Doc. No. M-2009-2092655

Final Order

By the Commission:

The Pennsylvania General Assembly (General Assembly), through Act 129 of 2008 (Act 129) has directed that electric distribution companies (EDCs) with more than 100,000 customers file smart meter technology procure-

ment and installation plans with the Commission for approval. 66 Pa.C.S. § 2807(f). Furthermore, Act 129 requires these EDCs to make available to customers and their designated third parties, including electric generation suppliers (EGSSs) and providers of conservation and load management services (CSPs), access to the meter and electronic meter data. 66 Pa.C.S. § 2807(f)(3). With this Final Order, the Commission requires the covered EDCs to implement electronic data interchange (EDI) and other standards consistent with the directives set forth in this Order.

The Commission recognizes that the smart meter technology required by Act 129 provides more information about a customer's electricity use than previous technology. The Commission also recognizes that while this information is intended to empower electricity customers, it can be used for other purposes that raise privacy and security concerns. In fact, the Commission has always been cognizant of customer privacy and security concerns and has promulgated regulations, such as 52 Pa. Code § 54.8 that restrict access to customer information. Specifically, Section 54.8 of the Code restricts an electric company or electric supplier may not release private customer information to a third party, including an affiliate of the electric company or electric supplier, unless the customer has been notified of the intent and has been given a convenient method of notifying the entity of the customer's desire to restrict the release of the private information. 52 Pa. Code § 54.8(a). Furthermore, electric generation suppliers are required to maintain the confidentiality of a consumer's personal information, including the customer's name, address, telephone number and historic payment information. See 52 Pa. Code § 54.43(d). In addition, the Commission has declared that all electric utility customers shall have the right to withhold all customer account and usage data from the Eligible Customer List that is made available to Commission-licensed Electric Generation Suppliers. See Interim Guidelines for Eligible Customer Lists, Final Order on Reconsideration, at Docket No. M-2010-2183412, entered November 15, 2011.

The Commission has also directed its staff and the electric utilities to participate in efforts by national standards groups to address and define business practices and technical requirements, such as data communications, that will preserve the integrity, reliability and security of the national grid, local distribution systems, meters and consumer data. Such groups include the National Institute of Standards and Technology (NIST), the North American Energy Standards Board (NAESB), and the Utility Communications Architecture International Users Group (UCAIUG). See Smart Meter Procurement and installation Implementation Order at Docket No. M-2009-2092655, entered June 24, 2009, at 27.

By adopting this Order, the Commission is in no way revising, limiting or reducing the previously established Commission rules, regulations or precedent regarding the security, confidentiality or use of private customer information, to include the customers personal and electric usage information. The intent of this Order is to facilitate the establishment of a standard electronic format for providing customers and their designated third-party representatives with direct electronic access to the customer's electric usage and price data, with the customer's consent.

Background

On June 18, 2009, the Commission adopted a Smart Meter Procurement and Installation Implementation Or-

der¹ (Implementation Order) to establish the standards each smart meter technology procurement and installation plan must meet and to provide guidance on the procedures to be followed for submittal, review and approval of all aspects of filed plans. The Implementation Order also directed EDCs to work through the Electronic Data Exchange Working Group (EDEWG) process to develop EDI transactions to fully achieve the capabilities of smart meter technology.²

Specifically, the Commission directed that all covered EDCs must provide customers and their designated representatives access that fulfills the following requirements:³

1. Non-discriminatory access for retail electric suppliers and third-parties, such as EGSs, and conservation and load management service providers;
2. Open, non-proprietary two-way access for electric suppliers and third-parties, such as EGSs, and conservation and load management service providers; and
3. Full electronic access to customers and their representatives to meter data upon customer consent.

Additionally, the Commission directed the EDCs to address standards and formats for electronic data communications with customers and third parties by implementing EDI enrollment of EGS customers who elect real-time (RT) or time-of-use (TOU) rate programs; develop a new EDI historical interval usage (HIU) transaction for 12-months of data that has been recorded at the meter; and develop and implement a new EDI transaction for monthly, bill-quality interval usage (IU) data recorded at the meter level.⁴ To achieve these requirements the Commission directed the EDCs to collaborate with the EDEWG to develop appropriate EDI capabilities.⁵

The EDCs obligated to deploy smart meter technology under Act 129 include the Duquesne Light Company (Duquesne); Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company, West Penn Power Company (collectively FirstEnergy); PECO Energy Company (PECO); and PPL Electric Utilities Corporation (PPL). All of these EDCs have filed a Smart Meter Technology Procurement and Installation Plan (smart meter plan) with the Commission for approval. All of these EDCs have received Commission approval of their respective smart meter plans.⁶

On December 7, 2009, EDEWG submitted a Preliminary Proposal for the Development of Smart Meter Data Exchange Standards (EDEWG Preliminary Proposal). The EDEWG Preliminary Proposal was developed by an EDEWG sub-team consisting of representatives from Duquesne, FirstEnergy, PECO and PPL. The initial draft version of the EDEWG Preliminary Proposal was published on the EDEWG List Serve for review by all EDEWG participants. The EDEWG Preliminary Proposal was then reviewed and discussed at the December 3, 2009, EDEWG meeting, after which the EDEWG Preliminary Proposal was submitted to the Commission on December 7, 2009.

On June 30, 2011, the Commission adopted a Tentative Order at this docket proposing further direction and clarification for the development of standards and formats

for smart meters and access to meter data.⁷ Comments were due thirty (30) days from the date the Tentative Order was published in the *Pennsylvania Bulletin*, with reply comments due twenty (20) days thereafter.⁸ The following parties filed comments: the Demand Response and Smart Grid Coalition⁹ (DRSG); Duquesne; the Energy Association of Pennsylvania (EAP); the Electronic Data Exchange Working Group Leadership¹⁰ (EDEWG Leadership); FirstEnergy; PECO and PPL. The following parties filed reply comments: PECO and FirstEnergy Solutions Corporation (FirstEnergy Solutions). After consideration of the initial and reply comments, we are requiring EDCs to implement EDI and other standards consistent with the directives set forth in this Order.

Discussion

The Tentative Order proposed requirements and provided additional clarification to address the following three topics presented in the EDEWG Preliminary Proposal: (1) data exchange standards for current business processes; (2) data exchange standards for new business processes; and (3) a smart meter standards development process. We will discuss each topic below.

Data Exchange Standards for Current Business Processes

1. Real-Time and Time-of-Use Prices

The EDEWG Preliminary Proposal maintains that changes to existing EDI transactions are not required to establish customers in new rate programs, including RT or TOU programs. Specifically, the EDEWG Preliminary Proposal explains that existing transactions for current business processes, such as enrollment using the EDI 814 E (EDI enrollment transaction) and billing using the EDI 810 (EDI billing transaction), are capable of supporting EGSs' customers under RT/TOU programs and can be satisfied under three billing scenarios currently approved by the Commission: (1) EDC Consolidated Billing/Rate-Ready (Rate-Ready); (2) EDC Consolidated Billing/Bill-Ready (Bill-Ready); and (3) Dual Billing.¹¹ "Rate-Ready" refers to the practice in which the non-billing party provides rate information to the billing party sufficient to calculate the non-billing party's charges. "Bill-Ready" is a billing practice in which the billing party receives the calculated charge amount(s) directly from the non-billing party in lieu of the billing party calculating it directly from the rate; and "Dual Billing" is the billing option in which the EDC and EGS render separate customer bills for the products and services each provides.¹²

As proposed in the EDEWG Preliminary Proposal, if a customer elects service on a RT or TOU rate, under Rate-Ready the EGS would specify on the EDI enrollment transaction a Rate-Ready rate code associated with the elected RT or TOU program—a process that assumes that the EDC is capable of billing these complex rates on behalf of the supplier in order to produce a single bill. Under Bill-Ready the EGS would specify on the EDI enrollment transaction that it will calculate its own

⁷ See Smart Meter procurement and Installation, Tentative Order at Docket No. M-2009-2092655, entered on July 8, 2011.

⁸ The Tentative Order was published in the *Pennsylvania Bulletin* on July 23, 2011 at 41 Pa. Bull. 4066, thus comments were due August 22, 2011, with reply comments due September 12, 2011.

⁹ The Demand Response and Smart Grid Coalition filed its comments on September 29, 2011, along with a request that its comments be accepted as a late filing, noting that it has sent its comments to Commission staff via email on August 22, 2011. We will grant the request of the Demand Response and Smart Grid Coalition and will accept and consider its comments as part of the record in this proceeding.

¹⁰ EDEWG Leadership includes EDC Co-Chair Susan Scheetz (PPL), EGS Co-Chair Matthew Sigg (Constellation NewEnergy, Inc.), and EDI Change Control Manager Brandon Siegel (ISTA North America).

¹¹ Preliminary Proposal at 1.

¹² Glossary of EDEWG and EDI Terms, "Electronic Data Exchange Standards for Electric Deregulation in The Commonwealth of Pennsylvania," at 18-19, approved by Tentative Order entered December 8, 2008 at Docket No. M-00960890, F0015.

¹ This order was entered on June 24, 2009, at Docket No. M-2009-2092655.

² Implementation Order at 24-28.

³ Id. at 24.

⁴ Id. at 25.

⁵ Id.

⁶ The status of each EDC's Smart Meter Plan can be obtained by reviewing the proceedings at the following dockets: Duquesne—M-2009-2123948; FirstEnergy—M-2009-2123950 and M-2009-2123951 (West Penn Power Company); PECO—M-2009-2123944 and PPL—M-2009-2123945.

charges to be consolidated with the bill produced by the EDC and provide the EDC with a Bill-Ready EDI billing transaction. Under Dual Billing the EDC and the EGS each would calculate their own charges and separately bill the customer, hence no special coding is needed on the EDI enrollment transaction and use of the EDI billing transaction is eliminated.

In the Tentative Order the Commission concurred with the use of these existing EDI transactions for enrollment and billing of EGS customers that elect to participate in an RT or TOU program. The Commission, however, proposed an additional requirement for an EDC to submit any appropriate EDI change control request within 30 days of the entry of a Final Order in this proceeding.¹³ To clarify, the purpose of this additional requirement was to address the possibility that under the Rate-Ready scenario, an EDC may not currently be able to accept and process an EGS's special rate code on the existing EDI enrollment transaction.

DRSG comments that it does not recommend any changes to current business processes unless the new standards are more cost-effective or otherwise beneficial. DRSG notes that it is aware of standards under development for exchanging pricing and usage information by the NAESB Energy Services Provider Interface (ESPI) Task Force (NAESB standards). In addition, DRSG notes that the NIST has published in its Smart Grid Standards Catalog a data model for use with electric usage and pricing data known as Priority Action Plan 10 (PAP10) (NIST standards). DRSG suggests the ESPI and PAP10 standards be among those considered for use in Pennsylvania.¹⁴

Duquesne supports approval of Bill-Ready and Dual Billing processes set forth in the Tentative Order, provided that Duquesne may continue its current practice of providing Rate-Ready billing utilizing the appropriate Rate-Ready rate code. Duquesne, however, disagrees with the proposed 30-day deadline to submit an EDI change control request and recommends that any deadline be incorporated into each EDC's smart meter plan.¹⁵ FirstEnergy explains that it is currently programmed to function under the Bill-Ready and Dual Billing options and that there is no reason for them to submit an EDI transaction change request.¹⁶ EAP agrees with and incorporates by reference the concerns and solutions voiced by its EDC members to that portion of the Tentative Order under the Data Exchange Standards for Current Business Processes heading.¹⁷

With regard to current EDI business processes in general, EDEWG Leadership comments that data exchange standards for existing business processes are already defined and that only a small adjustment would be required. EDEWG Leadership asks the Commission to provide further clarification for the Tentative Order directives relating to EDEWG's expanded role, which historically has been to create and maintain EDI for EDCs and EGSs and not for data exchanges between EDCs and their customers, and EDEWG's integration with the separate EDC smart meter plans.¹⁸

PECO supports Bill-Ready billing, which it believes would eliminate the need for EGS notification of any rate or pricing option that may be selected by the customer. PECO adds that if an EGS wants bill quality interval

data and the EGS configures the existing EDI enrollment transaction with a flag, the transaction requires no modification. PECO asserts that EDEWG, not the EDC, should determine the extent that the EDI enrollment transaction must be modified and suggests that EDEWG be given 90 days to develop any required modifications.¹⁹ PECO emphasizes the need for implementation timelines to reflect scheduled deployments under an EDC's smart meter plan to avoid the creation of uncertainty regarding the implementation of those plans. PECO also asks the Commission to clarify that approved EDC smart meter plans are not subject to revision by EDEWG.²⁰

PPL comments that the existing practice for Bill-Ready and Dual Billing scenarios should be approved to support EGS customer participation in RT or TOU pricing programs. PPL states that it does not currently offer Rate-Ready for RT or TOU pricing programs, which it asserts would require significant changes to its customer information and billing systems. PPL maintains that even if it were to offer this billing option in the future, no changes would be required of any EDI transaction.²¹

Of relative importance are PPL's comments relating to bill quality interval usage. PPL states that advanced metering technologies are being provided by EDCs and not the marketplace and that the company knows of no current complex pricing programs that employ meter level data that would justify an accelerated schedule. PPL recommends that any modifications undertaken be incorporated into each EDC's smart meter plan.²²

FirstEnergy Solutions agrees that the EDI enrollment transaction allows an EGS to enroll a customer who chooses RT or TOU service, regardless of whether that customer is under Bill-Ready or Dual Billing. FirstEnergy Solutions also agrees with PPL's statement that no change is required of any EDI transaction for this purpose.²³

After review of each of the parties' comments the Commission is convinced that Bill Ready and Dual Billing capabilities present the best option for attaining TOU and RT pricing capabilities for EDCs covered by the smart meter mandate. The Commission acknowledges that Rate Ready systems can provide a solution that can support RT and TOU pricing. However, since almost all EDCs subject to the smart meter provisions already offer Bill Ready and Dual Billing, we believe it would be best to promote uniformity and direct that all EDCs subject to the smart meter provisions propose Bill Ready and Dual Billing functionalities as part of their smart meter plans. If an EDC has already filed its completed smart meter plan, that EDC shall make a filing within 120 days explaining how and when it will incorporate this requirement into its smart meter plan. This directive does not preclude an EDC from creating or maintaining a Rate Ready system with RT and TOU rate functionality. Additionally, this directive does not preclude EDCs from researching and implementing potential non-EDI data sharing platforms at their own discretion as long as Bill Ready and Dual Billing systems are also offered.

2. Historical Interval Usage

In the Tentative Order we proposed that alternatives to the use of the existing EDI 867 Historical Interval Usage (EDI 867 HIU) transaction be explored for communicating 12 months of interval data that is recorded at the meter

¹³ Tentative Order at 5.

¹⁴ DRSG Comments at 1-2.

¹⁵ Duquesne Comments at 5.

¹⁶ FirstEnergy Comments at 3.

¹⁷ EAP Comments at 4.

¹⁸ EDEWG Leadership Comments at 1 and 2.

¹⁹ PECO Comments at 3 and 4.

²⁰ PECO Reply Comments at 1.

²¹ PPL Comments at 5 and 6.

²² PPL Comments at 9.

²³ FirstEnergy Solutions Reply Comments at 1 and 2.

level. We further proposed that EDEWG and the covered EDCs should work together to identify a solution that can be implemented within 180 days of the entry date of this Final Order.²⁴

DRSG comments that if new standards are to be considered for any new business processes, the NAESB ESPI and NIST PAP10 standards should be among those considered for use in Pennsylvania.²⁵ Duquesne does not object to exploring alternate solutions for the provision of historic interval usage data at the meter level, adding that a viable solution pursued by EDEWG or any other group should be via the web in a standardized environment and that implementation should be based upon an EDC's smart meter plan.²⁶ EAP comments that 180 days is not an adequate period of time to allow for EDEWG to conduct an analysis of complex customer information and billing system modifications and have EDCs implement the agreed upon solutions.²⁷ EDEWG Leadership states that EDEWG has not developed or maintained standards for communication of customer data directly to EDC customers and notes that this is outside the traditional scope of EDEWG.²⁸

FirstEnergy comments that the use of an alternative to the EDI 867 HIU is practical due to the sheer volume of data for 12 months of 15-minute interval meter reads. To address this need FirstEnergy has placed hourly interval usage data on a secured section of its supplier services website as an efficient short-term solution that it believes is prudent in light of the on-going activities at the NIST. FirstEnergy recommends that a customer portal may be a viable long-term solution and that implementation of such a portal would likely extend beyond 180 days of the Final Order. In addition, FirstEnergy questions if EDEWG is the appropriate organization to explore alternative solutions.²⁹ PPL concurs that an alternative means of transmitting large volumes of historical interval usage data is appropriate, but it believes it is inappropriate to require EDCs to install complex customer information and billing system modifications within a 180-day window.³⁰

PECO supports the proposal to explore alternative solutions for the provision of 12 months of historical interval usage at the meter level. PECO agrees that the use of national standards development organizations such as the NAESB should be leveraged to the extent possible. In particular, PECO suggests that an appropriate role for EDEWG would be to develop implementation level guidelines based on a national standard rather than to create an entirely new standard solely for Pennsylvania. PECO asks the Commission to seek ways to engage additional stakeholders who are not actively involved with EDEWG. PECO believes 180 days may not be adequate to develop and implement this standard.³¹ PECO also points out that no EGS commented on the appropriate method or timeline for making historical interval usage data available at the meter level. PECO adds that meter level data may not be as helpful for large end-use customers where multiple meters are linked to a single account, asserting that it may be prudent to offer this data only upon request by customers and EGSs.³²

FirstEnergy Solutions agrees with the comments of EDCs that the current EDI 867 HIU transaction is not

useful. FirstEnergy Solutions believes that alternatives, such as a web-based solution, would facilitate interactions among customers, EDCs and EGSs. FirstEnergy Solutions believes that it is of the utmost importance that EGSs be consulted in developing potential alternative solutions to ensure functionality and practicality from a supplier and customer choice standpoint.³³

In resolving this issue we will address pre-smart meter and post-smart meter implementation separately. Concerning pre-smart meter implementation, the Commission understands the challenges presented by data volume associated with historical interval usage data sharing via EDI. However, we believe the present capabilities of a number of EDCs to share 12-months of historical interval data is a significant asset to the market. Consequently, the Commission directs all EDCs covered by the smart meter mandates to install the capability to share a minimum of 12 months of historical interval account level or meter level usage via EDI. These EDCs are directed to file within 120 days under its respective smart meter plan docket, a supplement outlining the EDC's current capability to provide a minimum of 12-months of historical account level or meter level usage data via EDI or which details the EDC's plan to provide this capability within one year.

Concerning post-smart meter implementation, we have determined that the use of a standardized, secure web-based portal will enable interactions among all parties for communicating 12-months of historical interval data on the meter and account level and provide meter or account level data as requested by the customer or the customer's third-party representative. We agree with DSRG, Duquesne, FirstEnergy and PECO that the efforts of national standards organizations should be leveraged to ensure broad industry participation over the long-term. Additionally, the Commission believes that a secure web-based portal presents a viable long-term solution for the sharing of bill quality interval usage data within 24 to 48 hours after daily meter reads.

As such, we direct that the EDEWG to initiate a web-portal working group of all EDCs covered by the smart meter mandate and any other interested stakeholders to develop a standardized solution for acquisition of interval usage data via a secure web-portal. The Commission expects the shorter-term solution will be a system that offers 12-months of HIU data via a secure web platform. The Commission expects the longer-term solution will be a system that provides billing quality interval data within 24 to 48 hours of daily meter reads. We further direct the EDEWG working group to leverage any appropriate NIST and NAESB standards in the development of this secure web-portal. The EDEWG working group shall complete its development standards for the HIU solution by March 1, 2014, after which the EDEWG working group shall have till no later than March 1, 2015 to complete its development standards for the bill quality IU solution. The EDCs shall propose the solutions formed within these EDEWG working groups as part of their smart meter implementation plans.

We note that these directives shall not preclude EDCs from continuing any presently operating or planned website or other non-EDI functionality that permits authorized entities and customers to access historical interval usage data or interval usage data. In fact, the Commission encourages EDEWG to leverage any such EDC initiatives, to the extent possible, within the EDEWG web-portal working group. However, EDCs shall

²⁴ Tentative Order at 5.

²⁵ DRSG Comments at 1 and 2.

²⁶ Duquesne Comments at 5 and 6.

²⁷ EAP Comments at 5.

²⁸ EDEWG Leadership Comments at 2.

²⁹ FirstEnergy Comments at 3-5.

³⁰ PPL Comments at 7.

³¹ PECO Comments at 5.

³² PECO Reply Comments at 2.

³³ FirstEnergy Solutions Reply Comments at 2-4.

continue to offer such data via EDI as an interim solution until a long-term solution based on national standards is implemented.

3. Bill Quality Interval Usage

In the Tentative Order we proposed the use of a modified EDI 867 Interval Usage (EDI 867 IU) transaction to provide monthly bill-quality interval usage data at the meter level. In addition, we proposed that the deadline for deployment be 12 months in advance of the expiration of the EDCs' 30-month grace period.³⁴

Duquesne comments that it currently provides data at the account level and not at the meter level. Duquesne states that the company is in the process of enhancing its customer care and billing system and asks that the proposed deadline for implementing a modified EDI 867 IU be rolled out as part of its smart meter plan with an expected date of completion of 2013.³⁵

DRSG comments that it does not recommend any changes to current business processes unless new standards are more cost-effective or otherwise beneficial. DRSG suggests that if new standards are to be considered for any new business processes, the ESPI and PAP10 standards should be among those considered for use in Pennsylvania.³⁶

EAP comments that the timeframe for implementing a modified version of the existing EDI 867 IU transaction is problematic. With the exception of West Penn Power Company, EAP states that all EDC grace periods expire in October 2012. EAP recommends that, at a minimum, implementation should be set for a date that aligns with the expiration of individual EDC grace periods.³⁷

FirstEnergy comments that the EDI 867 IU transaction is already designed to communicate monthly bill-quality interval usage that was recorded at the meter. FirstEnergy points out, however, that the provision of meter level detail is optional using this transaction. FirstEnergy adds that for its companies, the account level and meter level are generally the same, except in rare meter installations where multiple meters are totaled for billing all charges in accordance with its tariff. In these rare instances, FirstEnergy asks the Commission to consider the totaled meter data to be meter level data.³⁸

PECO notes that the term "bill quality" was not clearly defined and submits that the data that was sourced from an EDC's meter data management system and that has completed the VEE process (has been verified, estimated and edited) associated with such systems should be considered bill quality data. Additionally, PECO recommends that the Commission allow at least six months after the close of the 30-month grace period for implementation of this requirement. PECO notes that this time will be needed for EDCs and EGSs to perform extensive testing of the modified systems before they can become operational. PECO believes that additional input from EGSs is critical, as some EGSs may prefer to continue to receive data at the account level to simplify their data processing.³⁹ PECO emphasizes that it would be prudent to offer bill quality interval data at the meter level only upon request by the EGS. PECO agrees with other EDCs regarding the need to extend implementation timeframes for providing interval data solutions and to coordinate with each EDC's smart meter technology deployment

schedules.⁴⁰ FirstEnergy Solutions supports PECO's suggestion for additional input from EGSs to determine whether certain functionalities are even desired.⁴¹

PPL supports the EDEWG Preliminary Proposal for EDEWG to act to make meter level detail a requirement with an apparent effective date that coincides with an EDC's smart meter plan and 30-month grace period. Nevertheless, PPL recommends that any required system modifications be incorporated into each EDC's smart meter plan to assure coordination with other smart meter projects and cost recovery.⁴²

Initially, we note that we will adopt PECO's definition for the term "bill quality," in so far as it is in agreement with the use of this term by NAESB and NIST. We will adopt PECO's definition of "bill quality data" and shall define "bill quality data" as data that is sourced from an EDC's meter data management system that has completed the process of being verified, estimated and edited, in association with such systems. Furthermore, we will accept the concept of totaled meter data for meter-level data, as requested by FirstEnergy, for IU transactions occurring during the pre-smart meter implementation period.

We also agree with the EDEWG Preliminary Proposal recommendation to make meter level IU data a requirement for the EDCs. In addition, we agree with PPL's proposal to have this requirement incorporated into each EDC's smart meter plan. Furthermore, such meter level data shall only be provided upon request by a customer or the customer's chosen third-party. Consequently, the Commission directs all EDCs to incorporate meter level IU data capabilities within their respective smart meter plan. If an EDC has already filed its completed smart meter plan, that EDC shall make a filing within 120 days explaining how and when it will incorporate this requirement into its smart meter plan.

We stress that this requirement shall not prevent an EDC from providing customers and their designated agents with bill quality interval data more frequently than on a monthly basis. In particular, the Commission continues to endorse the capability to share such information within 24 to 48 hours of daily meter reads, as we did in the Implementation Order.⁴³ We reiterate our expectation that the EDEWG web-portal working group will develop a standardized platform for incorporation into EDC smart meter plans which will provide bill quality IU data within 24 to 48 hours of daily meter reads.

Data Exchange Standards for New Business Processes

In the Tentative Order we proposed that the identification and development of new standards and formats to support Act 129 smart meter statutory requirements, along with the ongoing maintenance of existing standards and processes for this purpose, be developed by EDEWG and presented to the Commission for review. We further proposed that the development and ongoing maintenance of these standards and processes be done in a manner that includes all EDEWG participants, specifically, all EDCs, licensed EGSs, registered CSPs, and all other interested parties.⁴⁴

Duquesne commits to being an active participant in this analysis and believes it is prudent to follow the standards set forth by NAESB, which is currently exam-

³⁴ Tentative Order at 6.

³⁵ Duquesne Comments at 6 and 7.

³⁶ DRSG Comments at 1 and 2.

³⁷ EAP Comments at 5 and 6.

³⁸ FirstEnergy Comments at 6 and 7.

³⁹ PECO Comments at 6-8.

⁴⁰ PECO Reply Comments at 2.

⁴¹ FirstEnergy Solutions Reply Comments at 4.

⁴² PPL Comments at 8 and 9.

⁴³ See Smart Meter Procurement and Installation Implementation Order at Docket No. M-2009-2092655, entered June 24, 2009, at 23.

⁴⁴ Tentative Order at 6-8.

ining standardization for third-party access.⁴⁵ As noted with respect to their comments on current business processes, DRSG also suggests that the NAESB and NIST standards be among those considered relative to new business processes as well.⁴⁶

EAP commends the Commission for adopting that portion of the EDEWG Preliminary Proposal which recommends that, moving forward, EDEWG should include EDCs and other third parties such as EGSs and CSPs to develop any new system data capabilities that are recognized as necessary and justifiable by EDCs in their respective smart meter plans.⁴⁷ The EAP asks the Commission to encourage EDEWG to adopt existing national standards where appropriate and provide any necessary Pennsylvania implementation guidelines rather than develop new standards specific to Pennsylvania.⁴⁸

EDEWG Leadership seeks clarification with regard to integrating the expanded technological scope of the EDEWG with the separate EDC smart meter plans. EDEWG Leadership believes such guidance will be helpful for eliminating barriers previously encountered in the EDEWG sub-team, when EDC representatives eager to move smart meter data access forward were unable to reach consensus as a result of conflicts with their approved smart meter plans.⁴⁹

PECO agrees that EDEWG should adopt smart meter standards being developed by national organizations such as NAESB rather than writing Pennsylvania-specific standards. PECO notes that EDEWG already set a precedent for adapting national standards when it adopted the Gas Industry Standards Board (a precursor to NAESB) standard for Internet EDI, modifying certain language to comport with Commission orders rather than rewrite the standard. PECO also names three NAESB standards either completed or, nearing completion, that may be useful in the context of Pennsylvania's smart meter implementation. PECO suggests that EDEWG consider inviting experts from the relevant national standards development teams to provide guidance on how the standards were developed and how they can be used.⁵⁰ PECO asserts that the initial comments reflect substantial consensus among EDCs including the importance of avoiding the creation of uncertainty associated with implementation of smart meter plans and the inherent problems in the scope of work proposed for EDEWG.⁵¹

PPL reiterates conclusions presented in the EDEWG Preliminary Proposal, including that it is not possible for EDEWG to develop data exchange standards for undefined business processes. PPL believes that the Tentative Order appears to accept the approach described in the EDEWG Preliminary Proposal, but asks that the Final Order makes clear what is to be delivered by EDEWG.⁵²

FirstEnergy Solutions reiterates its previous statement that it is absolutely critical that input and communication from the EGS community be given serious consideration when discussing smart meter implementation. FirstEnergy Solutions also emphasizes that any sub-teams or groups that may be established should include EGS representatives when considering or discussing possible smart meter processes that relate to customers or retail choice in general. FirstEnergy Solutions agrees

with EAP's suggestion that EDEWG should include EDCs and other third parties such as EGSs and CSPs to develop any new system data capabilities that are recognized as necessary and justifiable by EDCs in their respective smart meter plans.⁵³

We agree that national standards being developed for smart meters should be considered where applicable. As such, we direct the EDCs to propose appropriate NAESB and NIST standards in coordination with their respective smart meter plans. We encourage covered EDCs to actively participate in the ongoing development of applicable national standards, including those being addressed by the ESPI Task Force of NAESB. We further encourage covered EDCs to investigate other NAESB and NIST standards, including web-based meter data access initiatives such as NAESB/ESPI PAP20⁵⁴ for sharing with the EDEWG and potential implementation within their smart meter plans. The Commission believes that active participation by EDCs in the appropriate national standards development organizations will inform the EDCs of any significant impacts that these national standards will have upon the successful deployment of smart meter technology.

In response to comments about the need to clarify the Commission's expectations of EDEWG, we agree with the recommendations of EAP and PECO that it is appropriate for EDEWG to prepare and update statewide implementation guidelines as necessary for the deployment of national standards by EDCs in accordance with their respective Commission approved smart meter plans.

Smart Meter Data Standards Development Process

The EDEWG Preliminary Proposal included a timeline for the development of smart meter data exchange standards that comports with the smart meter 30-month grace period established for covered EDCs in the Implementation Order. The Tentative Order provided clarification of our expectations of the EDEWG Sub-Team that is working on smart meter interaction with customers and authorized third parties.

In the Tentative Order we proposed to specifically task the EDEWG team to review each EDC's respective smart meter plan and identify how customers were to be provided the Act 129 required functionality. Specifically, we proposed that EDEWG report on how the EDCs plan to provide customers with direct access to hourly usage and price information, provide support for automatic control of a customer's electric consumption by the customer, the utility or a customer's agent and provide direct meter access and electronic access to customer meter data by third parties with customer consent. Furthermore, we proposed that EDEWG provide detailed descriptions of any proposed statewide standardized transactions or protocols, if any, for each of the EDCs for providing the required functionality. EDEWG was also to provide estimated system and operational costs, both total and annual, for each utility to provide the required functionality, as well as the ability for a statewide solution with associated costs to provide such required functionality.⁵⁵

Finally, in the Tentative Order we proposed that this review and analysis be completed with a report to the Commission within 90 days of the entry of a final order. Additionally, to ensure continued EGS engagement in EDC system upgrades and installations, we proposed that EDEWG incorporate these required smart meter

⁴⁵ Duquesne Comments at 7.

⁴⁶ DRSG Comments at 2.

⁴⁷ Tentative Order at 6 and 7.

⁴⁸ EAP Comments at 6 and 7.

⁴⁹ EDEWG Leadership Comments at 3.

⁵⁰ PECO Comments at 8 and 9.

⁵¹ PECO Reply Comments at 1.

⁵² PPL Comments at 10 and 11.

⁵³ FirstEnergy Solutions Reply Comments at 4 and 5.

⁵⁴ Green Button is an example of a web-based, end-user meter data access application that is based upon the NAESB/ESPI standards.

⁵⁵ Tentative Order at 9.

functionalities within its current documentation, to include its Implementation Guidelines, Testing and Certification Plans, Revised Plan, Annual Plans, Change Control Request forms and other documentation as deemed necessary by EDEWG.⁵⁶

Duquesne comments that it needs to progress with its own analysis and developing solutions to propose to the Commission for adoption. Duquesne submits that as statewide or EDEWG solutions become available, Duquesne will decide, with Commission input if needed or advisable, whether it should alter its plan and adopt different options.⁵⁷

DRSG agrees with the proposal to include all EDEWG participants in the development and ongoing maintenance of new standards and formats to support Act 129 requirements. Regarding standardization efforts, DRSG suggests that ESPI and PAP 10 standards be among those considered and further suggests that a review of other jurisdictions and markets may offer useful examples or lessons learned. DRSG explains that smart meter data is being exchanged among multiple entities today in Texas and Ontario, Canada, with California directing its utilities to implement data exchange with third parties with authorization by consumers.⁵⁸

DRSG comments that “direct access” should mean access by a device in a home or business to information directly from the meter through short-range wireless, power line carrier, or other local communications link. DRSG further comments that “electronic access” is understood to mean access to data that was backhauled to the EDC data center, then exchanged via an Internet connection between the EDC and a third party. Regarding automatic control, DRSG presents two primary communications options that are in use in pilot and commercial implementations, a Home Area Network (HAN) and the Internet. DRSG suggests that private wireless or power line carrier networks are other options.⁵⁹

EAP questions the proposed review of EDC plans by EDEWG, which it believes introduces risk and uncertainty into plans now underway. EAP contends that EDEWG members are technical analysts not policy or cost-benefit analysts and should not be directed to identify data requirements that support identified current and new business processes. EAP expresses concern about tasking a volunteer working group with a 90-day deadline to suggest modifications to smart meter plans.⁶⁰

EDEWG Leadership asks if it is the Commission's intent to expand the purview of EDEWG to create and maintain new smart meter standards between EDCs and their customers, which to date the sub-group was unable to establish since this is beyond the traditional scope of the EDEWG. EDEWG Leadership comments that standards cannot be defined or fully known until pilot programs are completed or for some EDCs, until their 30-month grace period has expired, since selected technology is being tested during those periods. EDEWG Leadership further comments that EDEWG is confident it can provide descriptions and data exchange standards for newly defined business processes; however, a financial analysis would be beyond the expertise and resources of the volunteers at EDEWG.⁶¹

FirstEnergy expresses concern as to whether EDEWG is the appropriate forum for developing smart meter

systems or solutions. FirstEnergy suggests that a strategic planning group, such as the collaborative formed at Docket No. I-2011-2237952, relating to the investigation of Pennsylvania's Retail Electricity Market, or a joint venture by EDCs to cover cost sharing, project management, third-party vendor selection and dispute resolution would be better suited for this task. FirstEnergy submits that whatever forum is assigned the task, 90 days is insufficient time for producing a report.⁶²

PECO lists examples of platforms being developed to address direct access information. PECO notes it has invested substantial resources in the implementation of its smart meter plan and to avoid uncertainty among its vendors, contractors and customers, asks that the plan not be subject to revision by EDEWG.⁶³ PECO requests that the Commission clarify whether the Commission is seeking a uniform statewide IT solution or statewide business rules that are more uniform. Even if the request is the analysis of IT aspects of a statewide solution, PECO maintains that 90 days is unrealistic for EDEWG to sort through the differences among the EDCs' internal processes and provide a report. PECO notes that EDEWG lacks the expertise to perform a cost-benefit analysis on the various options and that additional resources or expertise is critical to a meaningful analysis of a statewide solution.⁶⁴ PECO agrees with the comments of PPL that any new data exchange or access requirements should be incorporated into each EDC's plan and asks that this be accomplished through a focused amendment proceeding that will not subject entire smart meter plans to review and revision.⁶⁵

PPL is concerned that the activities and timeline proposed by in the Tentative Order are inconsistent with its smart meter plan. PPL believes that only the proposed task relating to standardized transactions and protocols is appropriate for EDEWG and that EDEWG is unable to perform the second task relating to the estimation of PPL's system and operation costs for providing the required functionalities. PPL believes that any effort to develop standards must be driven by the completion of pilots, demonstration of favorable cost-benefit and a decision to proceed with broader implementation in the context of the approved smart meter plans.⁶⁶

FirstEnergy Solutions asserts that it is imperative to include EGS participation when developing the implementation of smart meter procurement and installation plans. FirstEnergy Solutions supports the implementation of smart meter technology so long as the process takes into account the interests of all stakeholders in the Pennsylvania retail electricity markets.⁶⁷

After careful consideration of all comments, we find three issues are raised by the parties, the role of EDEWG, the identification of new standards, and the modification of EDCs' smart meter plans. Regarding the role of EDEWG, we believe we sufficiently address this issue and resolve it in the discussions in the preceding section of this Order. We also address and identify potential new standards to be considered for statewide implementation. Specifically, we encourage covered EDCs to engage in the development of NAESB and NIST standards and to incorporate these standards into their respective smart meter plans.

⁵⁶ Tentative Order at 9 and 10.

⁵⁷ Duquesne Comments at 8.

⁵⁸ DRSG Comments at 2.

⁵⁹ DRSG Comments at 3.

⁶⁰ EAP Comments at 6-9.

⁶¹ EDEWG Leadership Comments at 1-3.

⁶² FirstEnergy Comments at 8-10.

⁶³ PECO Comments at 9 and 10.

⁶⁴ PECO Comments at 11 and 12.

⁶⁵ PECO Reply Comments at 3 and 4.

⁶⁶ PPL Comments at 11-15.

⁶⁷ FirstEnergy Solutions Reply Comments at 5.

We also strongly encourage EGSs, CSPs and other interested parties to participate in the national standards-setting organizations that are drafting models and standards for direct access and electronic access to smart meters and data for retail markets. Specifically, we encourage EDCs, EGSs, CSPs and other interested parties to actively participate in the NAESB Retail Electric Quadrant Executive Committee's Smart Grid Standards Development Subcommittee, the Smart Grid Standards Subcommittee on Priority Action Plan 10, the Energy Services Provider Interface Task Force, and the joint retail electric/gas Information Requirements and Technical Electronic Implementation Subcommittee (IR/TEIS).⁶⁸

As PECO comments and others suggest, NAESB has already completed or nearly completed standards that may be useful in the context of Pennsylvania's smart meter implementation.⁶⁹ The work on the standardized information model for energy usage known as PAP 10 was completed and continues to evolve awaiting technical specifications from the NAESB Retail Energy Quadrant Executive Committee's Information Requirements and Technical Electronic Implementation Subcommittee. In addition, the NAESB/ESPI Task Force is engaged in the standardization of the Open ADE specification, which describes communications between utilities, customers and third-party service providers. The NAESB/ESPI effort is closely coordinated with numerous entities, and the Office of Science and Technology Policy has expressed interest in the standard and has encouraged major utilities to consider it in their implementation efforts.⁷⁰

We also endorse the Green Button⁷¹ initiative and encourage covered EDCs to respond to this endorsement by creating a similar application on their websites.⁷² Green Button is an industry-led effort based on a common technical standard developed in collaboration with a public-private partnership supported by the NIST.⁷³ Green Button is designed around an open data standard to provide secure customer access to electronic energy usage information.⁷⁴ It was reported that 20 utilities and major electricity suppliers across the United States and Canada have signed onto this initiative, providing meter data access capability to more than 27 million households secure access to their energy data with a click of an online Green Button.⁷⁵

Finally, the third issue relates to modifications to EDCs' smart meter plans. The Commission agrees with EAP, PECO and PPL that it is disconcerting to have invested time, money and resources to implement an approved smart meter plan and then have those plans subject to changes and subsequent risks and costs. The Implementation Order provides guidelines and a blueprint for our expectations regarding compliance with Act 129 and the EDCs' smart meter plans. The Implementation Order directed EDCs to work with EDEWG and incorporate identified EDI capabilities in the proposed smart meter plans EDCs would file with the Commission for review. We agree with the comments of EDEWG Leadership and the EDCs, that the approved EDCs' smart meter plans are works-in-progress. Consequently,

we will retract our recommendation to have EDEWG review each EDC's smart meter plan for compliance with meeting the required functionalities. We believe that is an issue that should be analyzed by the stakeholders within the context of each EDCs smart meter proceedings. Further, we will retract our recommendation to have EDEWG provide an estimate on the costs incurred by utilities to provide said functionalities.

Conclusion

All smart meter plans were reviewed and approved based upon one or more references by EDCs that they will work with EDEWG on standardization of system capabilities that would be tested or implemented within the 30-month grace period. We look forward to the EDCs providing detailed plans on how they intend to meet all of the Act 129 requirements, including providing customers and their designated third-party representatives with direct electronic access to the customer's electric usage and price data. *Therefore,*

It Is Ordered That:

1. Electric distribution companies required to submit smart meter technology and implementation plans propose, as part of those plans, Bill Ready and Dual Billing functionalities. If an electric distribution company has already filed its completed smart meter plan, that electric distribution company is directed to file within 120 days under its respective smart meter technology and implementation plan docket a supplement outlining how and when it will incorporate Bill Ready and Dual Billing functionalities into its smart meter implementation.

2. Electric distribution companies required to submit smart meter technology and implementation plans file within 120 days under its respective smart meter technology and implementation plan docket a supplement outlining the EDC's current capability to provide a minimum of 12-months of historical account or meter level usage data via electronic data interchange or which details the EDC's plan to provide this capability within one year.

3. The Electronic Data Exchange Working Group shall convene a web-portal working group including all electric distribution companies required to submit smart meter technology and implementation plans and other interested stakeholders to develop a standardized solution for the acquisition of historical interval usage and billing quality interval usage data via a secure web-portal, as specifically detailed within this Order, for incorporation within each electric distribution company's smart meter technology and implementation plan.

4. Electric distribution companies required to submit smart meter technology and implementation plans propose, as part of those plans, meter level interval usage data capabilities. If an electric distribution company has already filed its completed smart meter plan, that electric distribution company is directed to file within 120 days under its respective smart meter technology and implementation plan docket a supplement outlining how and when it will incorporate meter level interval usage data capabilities into its smart meter implementation.

5. Any directive, requirement, disposition or the like contained in the body of this Final Order that is not the subject of an individual Ordering Paragraph, shall have the full force and effect as if it was fully contained in this part.

⁶⁸ For information on the various NAESB smart grid activities visit: <http://www.naesb.org/req/default.asp>. For information on how to participate in NAESB visit: www.naesb.org.

⁶⁹ PECO Comments at 8.

⁷⁰ NAESB Bulletin Volume 4, Issue 3 (September-December 2011) at 2.

⁷¹ For information on the Green Button initiative visit: <http://www.greenbuttondata.org/greenabout.html>.

⁷² PUC Chairman, Commissioner Encourage Electric Utilities to Participate in Federal 'Green Button' Initiative, Pa. PUC Press Office (April 12, 2012).

⁷³ Peter Behr, E&E reporter, "Grid: Downloading energy usage could be one 'green' click away," ClimateWire (January 18, 2012).

⁷⁴ Green Button How To at <http://www.greenbuttondata.org/greenabout.html>.

⁷⁵ "Administration Announces New Tools to Help Consumers," Smartgrid.gov, U. S. Department of Energy news.

6. This Order shall be published in the *Pennsylvania Bulletin* and served upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Bureau of Investigation and Enforcement, all jurisdictional electric distribution companies, all licensed electric generation suppliers, the Electronic Data Exchange Working Group leadership, and all parties who participated in proceedings at Docket Nos. M-2009-2123944, M-2009-2123945, M-2009-2123948, M-2009-2123950 and M-2009-2123951.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 12-2513. Filed for public inspection December 21, 2012, 9:00 a.m.]

Telecommunications

A-2012-2338581. Commonwealth Telephone Company, d/b/a Frontier Communications Commonwealth Telephone Company and Southwestern Bell Mobile Systems, LLC, d/b/a Cingular Wireless. Joint petition of Commonwealth Telephone Company, d/b/a Frontier Communications Commonwealth Telephone Company and Southwestern Bell Mobile Systems, LLC, d/b/a Cingular Wireless for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Joint petition of Commonwealth Telephone Company, d/b/a Frontier Communications Commonwealth Telephone Company and Southwestern Bell Mobile Systems, LLC, d/b/a Cingular Wireless, by its counsel, filed on December 11, 2012, at the Pennsylvania Public Utility Commission (Commission), a joint petition for the approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Commonwealth Telephone Company, d/b/a Frontier Communications Commonwealth Telephone Company and Southwestern Bell Mobile Systems, LLC, d/b/a Cingular Wireless joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 12-2514. Filed for public inspection December 21, 2012, 9:00 a.m.]

PHILADELPHIA PARKING AUTHORITY

Motor Carrier Medallion Transfer Application for Service in the City of Philadelphia

Permanent or temporary authority to render services as a common carrier in the City of Philadelphia has been filed with the Philadelphia Parking Authority (PPA) Taxicab and Limousine Division (TLD) by the following

named applicant. The company has applied to transfer the rights held by Black Star Cab Co. (CPC No. 1000078-01, Medallion P-0898) to transport persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return.

Pier Taxi, LLC, 2351 South Swanson Street, Philadelphia, PA 19148, registered with the Commonwealth on November 21, 2012.

Formal protests must be filed in accordance with 52 Pa. Code Part II (relating to Philadelphia Parking Authority). Filings must be made at the offices of the TLD with the Clerk, 2415 South Swanson Street, Philadelphia, PA 19148 by January 7, 2013. Documents filed in support of the application are available for inspection at the TLD office (contact Charles Milstein) between 9 a.m. and 4:30 p.m. Monday to Friday or may be inspected at the business address of the applicant. The protest fee is \$2,500 (certified check or money order payable to PPA).

VINCENT J. FENERTY, Jr.,
Executive Director

[Pa.B. Doc. No. 12-2515. Filed for public inspection December 21, 2012, 9:00 a.m.]

Out of Service Notice; Doc. No. O-12-11-03

Dominic Yanni
Chestnut Hill Limousine
Last Known Address
4975 Swamp Road
Fountainville, Pa. 18923

Citation No's.:

T-13376: 1051.4; Taxicab and Limousine Regulations;
Failure to Pay Assessment
T-13377: 1051.12; Taxicab and Limousine Regulations;
Failure to Report Interruption of Service

Dear Mr. Yanni,

Please be advised that, pursuant to 53 Pa. CS §5701, et. seq., and Title 52, of the Pennsylvania Code, Public Utilities, Taxicab and Limousine Regulations, the Enforcement Department of The Philadelphia Parking Authority ("Authority") Taxicab and Limousine Division ("TLD") has placed your limousine certificate out of service and intends to request a revocation on Certificate of Public Convenience Number 1015356-07.

Limousine certificates expire on June 30 of each year. 52 Pa. §1051.3 (c) requires limousine certificate renewal forms to be submitted on or before April 1st of each year. 52 Pa. §1051.4 (a), (b) and (c) require payment of assessment by certificate holders by June 30 of each year. Chestnut Hill Limousine has not submitted the required filing and has not submitted the assessment payment and therefore, its certificate is expired. 52 Pa. § Code 1051.12 requires a discontinuance of service for more than five (5) consecutive days be reported to the Enforcement Department. Chestnut Hill Limousine has never reported the discontinuance in service. Communications and announcements issued by the TLD Administrative Department regarding these requirements and the renewal process have gone unanswered.

Based upon the above referenced violations of the TLD regulations and the corresponding threat to public safety, Certificate of Public Convenience Number 1015356-07 has been placed out-of-service, pursuant to 52 Pa. Code § 1003.32.

The Philadelphia Parking Authority
Taxicab and Limousine Division
By: William P. Schmid
Deputy Director of the TLD
VINCENT J. FENERTY, Jr.,
Executive Director

[Pa.B. Doc. No. 12-2516. Filed for public inspection December 21, 2012, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Request for Bids

The Philadelphia Regional Port Authority will accept sealed bids for Project No. 12-107.6, Replacement of Sprinkler and Fire Alarm Systems at Pier 84, until 2 p.m. on Thursday, January 17, 2013. Information (including mandatory prebid information) can be obtained from the web site www.philaport.com under Procurement, or call (215) 426-2600.

JAMES T. McDERMOTT, Jr.,
Executive Director

[Pa.B. Doc. No. 12-2517. Filed for public inspection December 21, 2012, 9:00 a.m.]
